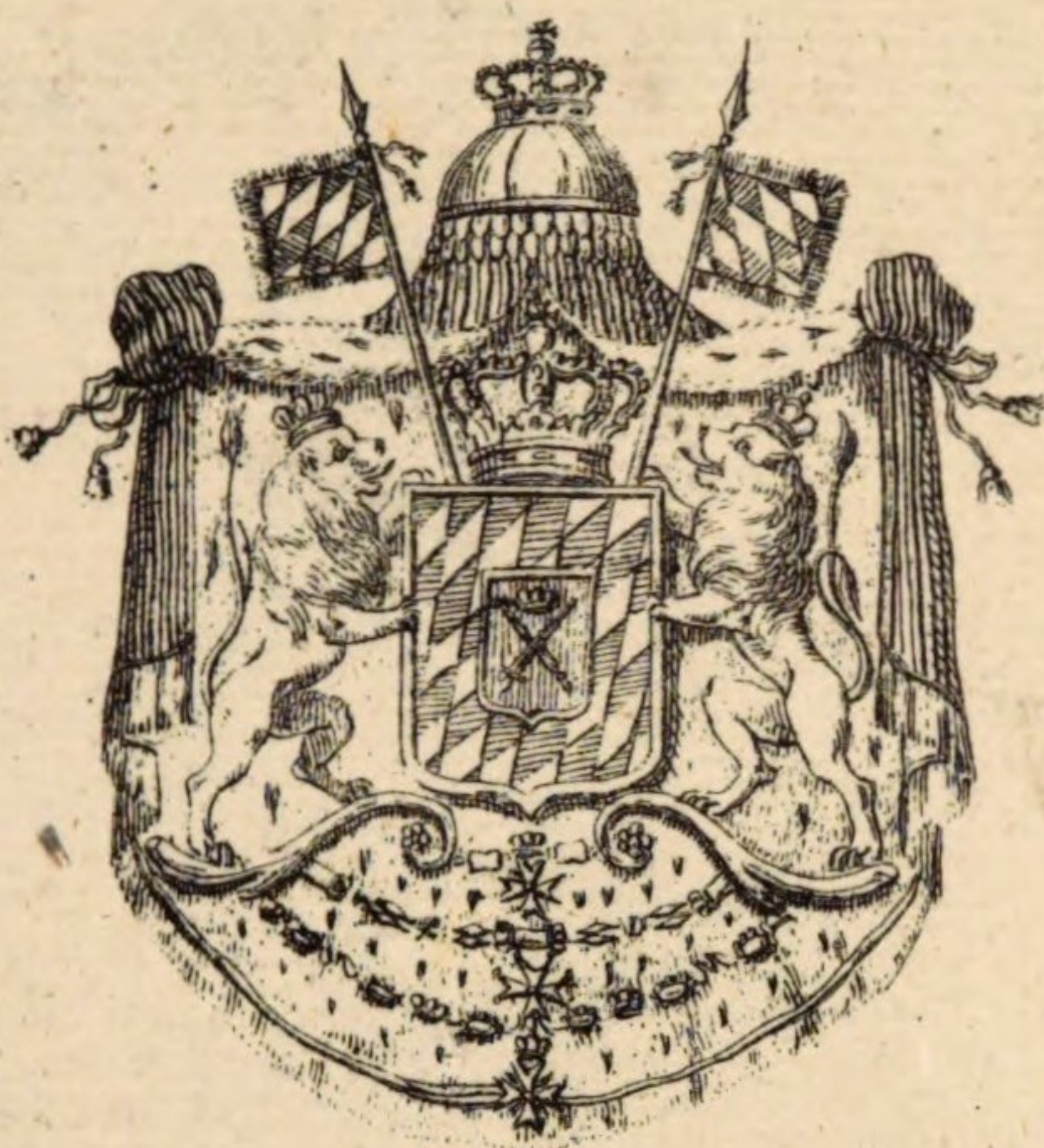


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THE HISTORY OF SCOTLAND

FROM THE EARLIEST TO THE PRESENT TIMES

BY THE REV. JOHN GILCHRIST, D.D.

THE UNIFORM OF THE HISTORY OF SCOTLAND

IN THE HISTORY OF SCOTLAND

THE THIRD VOLUME, CONTAINING

THE

PRELIMINARY DISSENT

OF THE HISTORY OF SCOTLAND

MARY, QUEEN OF SCOTS, IN THE REIGN OF
DARNLEY.

BY

MALCOLM LAING, ESQ.

IN FOUR VOLUMES.

VOL. IV.

LONDON:

PRINTED BY J. MACKAY, LONDON, 1831, 1832, 1833,
1834, AND 1835.
THE A. MACKAY AND CO. LONDON.

1835.

THE
HISTORY OF SCOTLAND,

FROM THE
UNION OF THE CROWNS

ON THE
ACCESSION OF JAMES VI. TO THE THRONE OF ENGLAND,

TO
THE UNION OF THE KINGDOMS

IN THE REIGN OF QUEEN ANNE.

THE THIRD EDITION, CORRECTED.

WITH A
PRELIMINARY DISSERTATION

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AND A. CONSTABLE AND CO. EDINBURGH.

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UNION OF THE CROWNS

HOBBS, 1711

Bayerische
Staatsbibliothek
München

BARNARD AND FARLEY,
Skinner Street, London.

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THE
HISTORY

OF

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BOOK VII.

New Government and Parliament.—Execution of Argyle, Guthry, Wariston.—Prelacy restored, Presbyterian Clergy ejected.—Middleton's Rapacity, Excesses, and Disgrace.—Ecclesiastical Commission, Military Persecution, and Insurrection in the West.—Government mitigated and the Presbyterians indulged.—Lauderdale's tyrannical Administration.—Persecution of Conventicles.—Mitchel's Trial.

FROM the civil and religious wars of the two kingdoms, in which it is seldom possible to separate the interest, or the share of either, we return to the domestic transactions of Scotland, whose history, from the restoration to the union, continues unmixed and almost unconnected with English affairs. Many years of undisturbed

BOOK
VII.

1660.

Public expectations and joy at the restoration.

BOOK
VII.

1660.

tranquillity were expected from the sincere, and universal joy which the restoration had diffused. The affectionate loyalty which the people expressed, was confirmed by the gracious and popular deportment of the king. The fairest hopes were entertained of the prosperity of the new reign; which nothing could have disappointed but the misconduct or rather the crimes of government; the predilection of Charles for a foreign interest; his secret attachment to the Romish faith; and above all, his perseverance in the arbitrary measures which his father had pursued. It was from these and other causes, that the government of Scotland became hostile and gradually odious to the people, till at length it degenerated into a sanguinary, and cruel despotism, for which there was no cure but the expulsion of the Stuarts.

New mi-
nistry.

The government still remained in the hands of the English, while the nobility and principal gentry hurried to court, to prefer their allegiance, or to tender their advice for the settlement of the kingdom. The royalists were preceded and led by Glencairn and Middleton; but their diligence was outstript by the Earl of Lauderdale, who had accompanied the English commissioners to the Hague, on his release from the Tower. In return for his services, and for his sufferings, during ten years imprisonment, he obtained the office of secretary of state, which was the more

desirable, as it required his attendance at court ; and among the numerous ministers who rose and sunk during the course of the reign, Lauderdale retained his ascendancy the longest over the mind of the king. The Earl of Crawford, who had suffered the same imprisonment, was restored to the treasury ; the Earl of Rothes was appointed president of council ; the Earl of Glencairn chancellor, and Middleton, commissioner to the approaching parliament. The authority of the committee of estates was revived, in order to supersede the administration of the English judges, and by the advice of Clarendon, a council for Scottish affairs was established at Whitehall¹.

Two important considerations occurred, in the settlement of Scotland ; 1. whether the garrisons introduced by Cromwell should still be preserved ; 2. what form of ecclesiastical government should be prescribed for the church ? Clarendon and Monk were against the removal of the English garrisons, whose presence they considered as still necessary to restrain a mutinous nation, prone to rebellion, by military force. Lauderdale represented, with that consummate art which distinguished his character, that it was not less ungenerous than impolitic to prolong the servitude which the nation, after the loss of two armies, had

Removal
of the gar-
risons.

¹ Burnet, i. 147. Baillie, ii. 442. Clarendon's Life, ii. 97.

BOOK
VII.

1660.

incurred from its loyal attachment to the crown ; that the measure would be productive of national disgust ; and that, in the event of an insurrection in England, the garrisons left by Monk as the most disaffected part of a fanatical army, would be joined by the Scots ; that the time might come, when, instead of English garrisons in Scotland, his majesty would require Scottish garrisons in England, to repress the turbulence of a wealthy people ; and that the nation, if relieved from a badge of ignominious subjection, might be rendered the more instrumental and subservient to his designs. As Glencairn and Middleton were afraid to oppose the removal of the garrisons, or to incur the reproach of an unpopular advice, the citadels and forts were demolished, and when supplies were procured for their discharge, the disaffected troops were disbanded or withdrawn².

Settlement
of the
church.

In the settlement of an ecclesiastical government, Charles was peculiarly embarrassed by the treaty at Breda. When invited to Scotland on his father's death, he had sworn and subscribed the covenant, and confirmed the presbyterian church as the conditions of his accession ; and although the nation was unable to preserve him upon the throne, the oaths, which were renewed at his coronation, remained unrepealed. If it

² Clarendon's Life, ii. 406. Burnet, i. 151.

was difficult to observe, it was dishonourable to violate the conditions formerly accepted, when there was no choice unless to relinquish the crown; but if the word of a prince is to be reputed sacred, no violence, nor state necessity could afford a pretext to dispense with his oaths. However disgusted with the presbyterians during his residence in Scotland, the king himself was indifferent to religion; but Clarendon, whose mind was soured and contracted by religious bigotry, was irreconcilable to the very existence of their church. That upright and able, but not enlightened statesman, had already prepared the most intolerant measures for the revival of the hierarchy, which he urged the king to restore in Scotland, by a violation of those solemn engagements which his own conscience would never have infringed. The Earls of Glencairn and Middleton concurred in the same design; and, at a time when the majority of the nation were rigid presbyterians, they did not hesitate to assert, that the people were disgusted with the insolence of the ecclesiastical courts, and desirous of a change. They returned with instructions to examine the sentiments of the people, and to prepare them for the subsequent introduction of prelates; while Sharp, to appease the suspicions of the public resolutioners, whom he had secretly deserted, on the offer of the primacy, procured a letter from Charles that confirmed their assemblies, and pro-

Deferred.

BOOK
VII.

1660.

mised to preserve the government of the church inviolate, as established by law. As the presbyterian was then the established religion, the resolutioners were easily deceived by a mean equivocation unworthy of a king; or were gratified perhaps by the persecution of the remonstrants, whom the committee of estates had imprisoned or dispersed³.

1661.
Jan. 1.
Parliament
Its character.

The parliament was opened by Middleton, with a splendor to which the nation had been long unaccustomed. The elections had been secured by the chancellor's management. Obnoxious candidates were imprisoned or summoned to appear as delinquents; and the nobility vied with the commons in their devotion to the crown. The original covenanters were mostly extinguished. A new generation had arisen under the English government, inured to servitude, educated in penury, or impoverished by forfeitures; and, as an indemnity was still ungenerously withheld from Scotland, they were either exposed to punishment from their past compliances, or were insatiate and eager to procure confiscations and fines⁴. A new spirit appeared in the nation, whose fervid genius is ever in extremes; if sub-

³ Wodrow's History of the Sufferings of the Church of Scotland, vol. i. p. 7. 13. Crawford's History, MS. vol. ii. l. 5. 420. Clarendon's Life, ii. 101.

⁴ Baillie, ii. 449. Wodrow, i. 21. Kirkton's History of the late Revolution in the church, MS. Advocates' Library.

missive, prone to adulation and the utmost servility; when attached to civil or religious liberty, fierce, ardent, and enthusiastic in the pursuit. Not a few were estranged from the severe morals which the covenant had prescribed; but the intemperance and excesses of the royalists were offensive to the people, whose disgust was increased by an unforeseen disaster which the nation incurred. The crown and sceptre had been secreted in the North, during the usurpation; but the public records, which Monk had removed to London, were detained by Clarendon till the summer had elapsed, in order to discover the original covenant and declarations which the king had subscribed. They were shipped for Scotland after a fruitless search; but the vessel was wrecked in the winter season, and the records of the kingdom were irrecoverably lost. A disaster which it is impossible to estimate, is naturally exaggerated, and we deplore the loss of those historical memorials which escaped the destructive policy of Edward I. Yet if a few historical records have perished, an enormous and impure mass of judicial proceedings does not deserve regret⁵.

Loss of the
public re-
cords.

⁵ Wodrow, i. 18. Burnet, i. 157. Ayloff's Calendars of Charters, p. 354. It appears, however, from the Chronicle of Fife, that "On 1657, about the end of the year, the most part of the register was brought back to Scotland, if not all, when the Lord Wariston was appointed Clerk Register by the English." p. 36.

BOOK
VII.1661.
Preroga-
tive re-
stored.

When the parliament proceeded to public business, the first consideration was, how to restore and assert the prerogative to its full extent. The chancellor was received as official president; the nomination of judges, counsellors, and officers of state, was declared a branch of the divine prerogative, inherent in kings. The command of the militia, the power of declaring war, the right to summon or dissolve conventions, parliaments, and public assemblies, were acknowledged to reside in the crown alone; and as the happiness of the people consists in maintaining the prerogative entire, to oppose, or impugn the authority of the act, was converted into treason. Illegal convocations, leagues, and bonds, were severally prohibited. The covenant was indirectly repealed, by an act to prevent its renewal without the king's consent. His supremacy was indirectly established by an oath of allegiance, that the sovereign was supreme governor in all cases, over all persons, ecclesiastical and civil; and although the chancellor protested that no authority was implied in communion or in discipline, the presbyterians in vain demanded that the explanation of supreme *civil* governor, should be inserted in the oath. An ample recognition of the prerogative was required from persons in public office; but the oath of allegiance was imposed indiscriminately, as a fruitful source of persecution, upon all persons, at the pleasure of

the council, and under the penalty of incapacitation from public trust. Instead of the monthly assessments exacted by Cromwell, an excise of forty thousand pounds a-year was conferred on the king for life, in order to preserve the public tranquillity by a military force⁶. To restore the prerogative of which the crown had been despoiled, was perhaps unexceptionable; but in these acts, the late proceedings of the nation were indiscriminately condemned, and the prerogative was magnified by rhetorical flourishes, to the most exalted despotism.

The commissioner had been selected as a man exempt from scruples⁷, and although his natural violence was heightened by intemperance, an obsequious parliament was prepared to yield to his most extravagant demands. The lords of articles became impatient and tired of particular reversals: but there were two parliaments whose acts it was difficult, yet necessary to repeal, in order to absolve the king from his promise to preserve the established church. His father had presided in the one, and himself in the other. The presbyterian church was confirmed by the

Former
parlia-
ments re-
scinded
from the
beginning
of the civil
wars.

⁶ Parl. 1661, ch. 5. 7. 11, 12. 14. 34.

⁷ Middleton was of a good family in the North, but of no estate; and rose from a pikeman in Hepburn's regiment in France. Kirkton, MS. His father was murdered sitting in his chair, by Montrose's soldiers, when they overrun the country in 1645. Wodrow.

BOOK
VII.

1661.

acts of both ; the repeal of which might excite a spirit of remonstrance, sufficient to deter the king from the introduction of prelates. A general *rescissory* act was suggested, to annul the parliaments themselves, from the year one thousand six hundred and thirty-three, as injurious to the prerogative, or defective in form ; and a proposal made in jest, was adopted in earnest, from the feverish intoxication of Middleton and his friends. The constraint under which the crown was supposed to labour, had no place in the parliament held in one thousand six hundred and forty-one, when the late king attended in person and ratified its acts from choice : the parliament in one thousand six hundred and forty-eight was chosen and directed by his particular instructions, to confirm the engagement. But the commissioner maintained that the former of these parliaments had been held in the interval between two rebellions, when the necessity of affairs had, without any personal violence, imposed a real constraint upon the king ; while the latter, in order to conciliate the fanatics, had entered into the engagement on such hypocritical terms, that the whole of its proceedings deserved to be condemned. Notwithstanding a vigorous opposition from Crawford, Cassilis, Loudon, and the old covenanters, the act was approved by a large majority, and ratified without waiting for instructions from court. The covenants, and the laws that esta-

blished presbytery, were virtually repealed; and with some improper limitations on prerogative, every constitutional barrier was thus removed. But the act was more pernicious still, as a precedent destructive of all security in government, and of all confidence between the people and the king. The laws, if defective, were open, they affirmed, to amendment and review; but if one parliament, under the pretext of fear, or the necessity of public affairs, can *rescind* another, the first principles of government are subverted. A future legislature may annul the present, on the same pretext that the present abrogates those former parliaments whose public treaties and indemnities, which are ever to be reputed sacred, were confirmed by the crown⁸.

These times are described by Burnet as mad and riotous; full of extravagance, for the men engaged in public affairs were almost perpetually drunk. The most important and violent acts, that reversed the former constitution and government, are explained by the constant intoxication of ministers; and the commissioner often appeared so drunk upon the throne, that the parliament was adjourned. The most licentious intemperance and excess of debauchery were termed loyalty; gravity, sedition⁹; and the trial

Excesses of
the times.

⁸ Parl. 1661, ch. 15. Burnet, i. 168. Baillie, ii. 451.

⁹ Burnet, i. 174. Kirkton, MS. 16. 30.

BOOK
VII.

1661.

Trial of
Argyle.

and attainder of delinquents, was perhaps the only subject that engrossed the serious or sober consideration of the estates.

When the king was restored, on the promise of an amnesty to his English subjects, no indemnity was promised or proposed for Scotland; and it was deemed expedient that the nation should still remain at the mercy of the crown. Argyle, encouraged by some equivocal expressions of Charles, had repaired privately to court; but the royalists who grasped at his possessions, were apprehensive of a crafty, insinuating statesman, whose former credit with the king might revive. On demanding admittance to the royal presence, he was committed to the Tower, and accused of a secret participation in the murder of the late king. His trial was transferred to Scotland, where he was produced and arraigned in parliament upon separate indictments of oppression and treason. The severities inflicted on the royalists during the civil wars, and the cruelties retaliated on the adherents of Montrose, were accumulated in his indictments. He was accused as the author of every national act from the commencement of the wars; as an accessory to the surrender and execution of the king; and as an actor under the late usurpation, in opposition to those who appeared for the crown. His defence was vigorous and plausible at least, if not always just. He affirmed that the atrocities imputed to his clan were partly fictitious, partly

His de-
fence.

exaggerated¹⁰; committed during his absence in England, from the violence of the times; and that a cruel revenge was to be expected from his people, whose country had been twice wasted with fire, and devoted to the sword. His transactions during the war were conducted under the authority of the legislature, to whom the surrender of the king must be ascribed; but his public transactions were protected from inquiry, by the act of oblivion, passed in consequence of the treaty of Rippon, and by the indemnity granted by Charles in the parliament at Stirling, of which the records were lost, but the memory of which was still recent in the minds of men. His compliance with the late usurpation was necessary for his preservation, or excusable from the contagious example of the times. While resistance was practicable he was the last to submit; but his solitary resistance, after the nation had submitted to a conqueror, would neither have secured himself, nor have restored the king. From his peculiar situation and rank in life, something more than a passive compliance was required for his

¹⁰ We may judge of the extravagance of the charge, and of the fanaticism of the accusers themselves, from a fact asserted in his first indictment; that a tree on which thirty-six of his enemies were hanged, was immediately blasted, and when hewn down, a miraculous and copious stream of a bloody hue, with which the earth was deeply saturated, was for several years emitted from the root. State Trials, ii. 422.

BOOK
VII.

1661.

preservation; and if to mitigate the oppression of his country, he was returned a member to Richard's parliament, the recognition of a power *de facto*, and without his assistance in possession of the government, never implied an acknowledgment of its original title; much less a treasonable opposition to the rightful heir, while excluded from the throne. "What could I think," he exclaimed, "or how suppose, that these unhappy compliances were criminal, at the time when a man so learned as his majesty's advocate received the same oaths to the commonwealth with myself?" Sir John Fletcher, lord advocate, interrupted and reviled him in the most opprobrious terms, but he calmly replied, that he had learned in his afflictions to endure reproach; and perceiving his ruin predetermined, he demanded, but was denied permission to submit implicitly to the mercy of the king¹¹.

Condem-
ned to
death.

During this important trial, the most solemn which the nation had ever witnessed, Lord Lorn was employed to solicit favour for his father at court. He procured a royal mandate, not to prosecute any public offences previous to the indemnity granted at Stirling, nor to pronounce a sentence till the whole trial should be submitted to the king. The first part of the order was imper-

¹¹ State Trials, ii. 418. vii. 379. Wodrow, i. 42.

fectly obeyed; the last, as expressive of a mistrust in parliament, was recalled. The commissioner, anxious that Argyle should suffer as a regicide, to prevent the restitution of his family to his estate and honours, undertook the management of the debate in person, which he conducted as if forgetful of his own dignity, or of the decency requisite in a public character. From the secret consultations held with Cromwell, when invited to Scotland to suppress the engagement, he concluded that the interruption of the treaty at Newport, and the execution of the late king, had been concerted with Argyle. An attainder founded on such weak and remote presumptions, was abhorred by many, and was opposed by president Gilmour, with a force of argument that compelled the reluctant parliament to exculpate Argyle from all participation in the death of the king¹². Nothing but his compliance with the usurpation remained. While his condemnation was still uncertain, Monk, with his accustomed baseness, transmitted to parliament some confidential letters from Argyle, expressive of a cordial attachment to the protector's government¹³. They arrived after the evidence was finished, but were read by Middleton's orders in the midst of the debate. The perfidious friendship of Monk, and the violation of every judicial form, excited

¹¹ State Trials, ii. 418. vii. 379. Wodrow, i. 42.

¹² Wodrow, i, 54. Burnet, i. 174. ¹³ See NOTE I.

BOOK
VII.

1661.

May 25.

general indignation ; but the unexpected appearance of Argyle's correspondence silenced his friends, who withdrew from an unavailing opposition to his fate. Sentence of treason was immediately pronounced. He was condemned to be beheaded within two days, and his head to be affixed to the public prison, in order to replace that of Montrose, for whose remains a splendid funeral was appointed. He requested in vain a respite of ten days, till his sentence should be communicated to the king, and complained in the spirit of enthusiasm, "I have placed the crown upon his head, and this is my reward ! but he hastens me to a better crown than his own ; nor can you deprive me of that eternal indemnity which you may require yourselves."

And executed,
May 27.

The interval between his sentence and execution was spent with the clergy, in religious exercises, and he prepared for death with a fortitude not expected from the natural timidity of his character. On the morning of his execution, he wrote a letter to the king, to vindicate his own memory and to implore protection for his son. He dined at noon with his friends, before ascending the scaffold, and was accompanied by several of the nobility to the place of execution. His appearance on the scaffold was solemn but intrepid. He spoke in vindication of his own innocence, deplored the times that were likely to ensue, and exhorted the people to suffer rather than to of-

send against their conscience, or to abandon the covenant. After an interval of devotion, he submitted his neck to the block, and his head was separated from his body by the descent of the maiden¹⁴.

BOOK
VII.

1661.

His sen-
tence.

The public hatred which he had incurred while alive, was converted into general commiseration at his death. His attainder was justly imputed to the enmity, his precipitate death to the insatiate desire and impatience of Middleton to procure a gift of his estate and titles; and as generally happens where ever a statesman suffers, whether from national justice or revenge, his execution served to exalt his character, and to relieve it from the obloquy which would have continued to attend him, had he been permitted to survive. His letters to Monk are lost, and the records of his trial have been carefully destroyed. But we discover from Thurloe's papers, that he was obnoxious to Cromwell and to Monk himself, as a suspected royalist; and was carefully excluded from trust or employment¹⁵. Under a jealous usurpation, professions of the most zealous attachment were requisite for the preservation of a suspected royalist; and we must conclude that the letters employed for his destruction were necessary to appease the suspicions or the resentment of Monk. His original share, as a chief instrument

¹⁴ Wodrow, i. 51. 157. Kirkton, MS. 26. Burnet, i. 179.

¹⁵ Thurloe's State Papers, vi. 341. vii. 584.

BOOK
VII.

1661.

And cha-
racter ex-
amined.

in the civil wars, of which he was not convicted, is represented as some apology for the sentence on which he was executed ; but the apology becomes the more dangerous as a pretext that is never wanting for judicial murder. Originally driven into rebellion, by an insidious plan to invade his country, and to deprive him of a large part of his estate¹⁶, he incurred the imputation of whatever violent measures it was necessary to tolerate, or impossible to prevent. But his character, impartially examined, was that of a better patriot than a subject, more attached to the national religion than to the interests of the crown. His ambition was regulated by habitual prudence, penetration, experience, and consummate address ; but his sagacity was not always exempt from enthusiasm ; his prudence was apt to degenerate into craft, and the apprehensions which his subtle dexterity excited, occasioned his destruction. His services in the recall of Charles to Scotland, deserved a better fate ; but his enemies were disappointed by the intercession of Lauderdale, and his son was afterwards restored to a part of his titles, and to the possession of his estate.

Guthry
executed.
June 1.

The next was Guthry, a clergyman accused of framing or promoting the western remonstrance, and of protesting against the authority of the king, or the interposition of the council, in ecclesiastical affairs. It was treason to decline the

¹⁶ See vol. iii. p. 152.

authority of either, but the punishment, from its undue severity, had never been inflicted; and the offence itself, if aggravated by the violence of his publications, was extenuated, and, at the distance of ten years, ought to have been obliterated, by his resolute opposition to the usurper's government. But his real crimes were a sentence of excommunication which he had formerly pronounced against the commissioner, and the report of some personal indignities which he had offered to the king. His defence was firm, yet pronounced with such pathetic effect, that many withdrew from having any concern in his sentence or death. He was executed with an obscure deserter, and died with that unshaken fortitude and contempt of life which enthusiasm inspires. Rutherford was removed by an opportune death; Gillespie and other remonstrants were preserved by a confession of their guilt.—Wariston, who had escaped to the continent, was attainted, and Swinton, who had turned quaker, acknowledged his offences with such ingenuous contrition, that he was recommended to mercy, but deprived of his estate¹⁷.

The parliament was at length adjourned, and the government was again vested in the privy council. At once a court of justice and a council of state, in which policy must ever predominate.

Parliament
adjourned.
July 12.

¹⁷ Kirkton, MS. Crawford, MS. Wodrow, i. 68. Burnet, i. 180. Baillie, iv. 453.

BOOK
VII.

1661.

ate over the laws, the institution necessarily became tyrannical; the judicial functions were united with the executive powers of the state, and a legislative authority was not unfrequently assumed.

Revival.

The commissioner was not less solicitous to gratify the zeal of Clarendon, on whose friendship he depended, than to strengthen his own interest in parliament, by the introduction of prelates. On his return to court, he represented that the times were propitious, and the nation not averse to the revival of their order; and that the attempt should be made during the present fervor which the restoration had excited, and before the presbyterians obtained an indemnity to relieve them from their fears. His assertions were confirmed by Sharp; but the king, who had observed the former repugnance of the nation to ecclesiastical pre-eminence, was still indifferent, or disinclined to a change. His mind was secretly impressed with the artful, yet judicious suggestions of Lauderdale, that episcopacy was recommended by none but those who solicited preferment; that the introduction of prelates, in opposition to public and inveterate prejudices, might alienate the nation which it was his interest to conciliate; and that the preservation of their order, instead of contributing to the authority, would require the constant support and protection of government. But his English and

Irish ministers, Clarendon and Ormond, affirmed that it would be very difficult to preserve the episcopal church, especially in Ireland, from the fury of the dissenters, unless the example of presbytery were removed from their view. Amidst such discordant sentiments, the propriety of the attempt was referred to the privy council of Scotland, where the imprisonment of the Earl of Tweeddale, for his opposition in parliament to the execution of Guthry, had repressed all freedom of opinion or debate. Glencairn the chancellor, who proposed an humble and moderate episcopacy, procured a report that the intended change would give general satisfaction; and the revival of the hierarchy was no longer deferred. When Lauderdale was admonished by Charles, that the presbyterian religion was unfit for a gentleman, and improper to be continued, that obsequious politician urged, with an insidious violence, the innovation which he could no longer prevent; and thus the intolerant bigotry of Clarendon, the corrupt ambition of some statesmen, and the servile pliancy and adulation of others, betrayed the king into the most pernicious measures of the two preceding reigns¹⁸.

The suffragan bishops were recommended by Sharp, upon whom the metropolitan see of St. Andrews was bestowed. But as Sydserf alone, of the former prelates, survived at the restoration,

And consecration of prelates.

¹⁸ Wodrow, i. 96. Burnet, i. 187.

BOOK
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1662.

it was necessary to resort again to the English church, for that apostolical succession which a single bishop is unable to confer. If the restoration had been delayed for a few years, the English church might have expired herself with her aged prelates; and the nation must have acknowledged the presbyterian ordination to the priesthood as valid, or have solicited a new consecration from the Romish fane. But her danger did not inspire moderation. At the consecration of Spottiswood, the subordinate orders of priesthood had been conferred or supplied by the episcopal character; but Sharp and Leighton were required, before they were consecrated, to submit to episcopal ordination, as deacons and priests. The ordination of Fairfoul and Hamilton was strictly canonical, and the four bishops were dismissed, when duly consecrated, to propagate the apostolical order in Scotland. They were received and conducted to the capital, by the chancellor and nobility in solemn procession. No mark of external respect or of pomp was omitted, to impress the people with veneration and esteem. When the parliament was resumed, they were invited by a deputation from each estate, and introduced in triumph to their ancient seats. But their revenues were inadequate to their rank; and their characters were unequal to the stations to which they were unexpectedly preferred. Leighton, the most learned and respectable of

their number, united the most devout and ascetic virtues, with an indulgent charity and extensive toleration. But the rest were remiss in the discharge of their functions, and were distinguished rather by zeal than sanctity; the violence of Sharp was no longer disguised; and they were destitute of that moderation and of those talents which were necessary to recall and to conciliate a disaffected church¹⁹.

The second session of parliament commenced with the government of the church, the regulation of whose external polity was transferred to the king. The authority of presbyteries, and of provincial and general assemblies, was annulled. The prelates, released from every restraint but the advice of ministers whose prudence or whose loyalty they might choose to consult, were restored to the plenitude of their former privileges, and to the supreme and exclusive jurisdiction in ecclesiastical affairs. The covenants were repealed and abjured as unlawful oaths; and whatever might tend to excite a dislike to the prerogative, supremacy, or episcopal government, was punished as sedition. The rights of patronage were revived. The clergy who had been admitted since its abrogation, were deprived of all title to their livings; and were required to

Episcopal
govern-
ment,
May 8th.

Establish-
ed by par-
liament.

¹⁹ Burnet, i. 191. 200—5. Baillie, ii. 460. Wodrow, i. 101—14, 15.

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procure, within four months, a presentation from their patrons, and collation from the bishops; to acknowledge their authority, and to attend their visitations and diocesan synods. The prelates introduced by James, had assumed nothing more than precedence, a share in ordination, and a negative voice in the assemblies of the church. The clergy continued to meet in presbyteries, and as there was no remedy, they had submitted to an usurpation which might innovate, without annulling the constitution or authority of their ecclesiastical courts. While they sat with their bishops, upon different principles, in the same tribunals, their opposition was confined within their own walls; or was suffered to evaporate in idle protestations; and, amidst all the vicissitudes of government, the unity of the church was at least preserved. But in these acts, from the violent and precipitate ambition of Sharp, the foundations of episcopal government were inverted, and the whole power was transferred to the prelates. When the presbyteries and other judicatures were first interrupted, and then held as diocesan assemblies, the old and rigid presbyterians refused to sit or assist as the bishops officials, and prepared to secede. They protested that it was hard indeed to submit to his authority, but that it was impossible, without violence to their conscience, to acknowledge the exorbitance of his episcopal power. Men of the former epis-

copal persuasion, were dissatisfied at the exemption of the bishops from ecclesiastical control; and an imperious system of ecclesiastical polity, to which the nation was hostile, and could have been reconciled only by lenient measures, was universally disapproved²⁰.

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When episcopal government was thus established, an act of indemnity and oblivion was no longer deferred; if indeed an act, more oppressive than indulgent, can deserve that name. An unconditional indemnity was recommended by Lauderdale, as the sufferings of the nation, ever since the engagement, and its services in promoting the restoration, were entitled to the same indulgence and grace with England. Unhappily Middleton's representations prevailed at court, that the royalists were impoverished or ruined by their adherence to the crown, whose revenues were anticipated, or were insufficient for their relief; and that no means remained to reimburse their losses, unless their enemies were equitably amerced for rebellion. Some unavailing limitations were enjoined; that no fines should be imposed beyond their annual revenues, or for offences committed previous to the parliament at Stirling; and an additional exception from the indemnity was unwarily admitted, on the assurances of Middleton that the parliament wished

Act of
indemnity.

²⁰ Wodrow. Burnet, i. 203.

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Fines.

to incapacitate a few obnoxious delinquents from public trust. The indemnity was no sooner introduced into parliament, than a committee was appointed to determine the number of offenders, and the amount of their fines; but the members were sworn to secrecy, not to a faithful discharge of their trust; and it soon appeared that they were actuated by the worst passions of avarice and revenge. Their ears were open to accusations alone. In the promiscuous choice of offenders, no proof of innocence was admitted; no inquiry nor intimation was made concerning their guilt; no computation was ever taken of their estates; but their names, as soon as they were accused, were inserted in an arbitrary list of fines. The most obnoxious offenders compounded in secret. Of such as were innocent or ignorant of their offences, nine hundred were reported to parliament, whose fines amounted to eighty-five thousand pounds. Some were dead, or had resided abroad during the civil wars; others were infants; but to every objection there was a prompt reply; that the penalties were a composition for an indemnity which the innocent might relinquish, and, at their own peril, procure an exemption when prosecuted for their fines. Innocence, under a despotical government, was a dangerous alternative that would be embraced by none; but the fines which Middleton and his friends expected were intercepted by his fall, and

were reserved for the crown, as a subject of future oppression to the people²¹.

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Lord Lorn
condemned
for leasing-
making.

But the avarice of Middleton was insatiable ; and his revenge was restrained neither by prudence, remorse, nor fear. The estate and titles of Argyle were solicited by his ambition, and the destruction of that unfortunate family was the object of his eager, unrelenting pursuit. Lord Lorn, in a confidential letter from court, to his friend Lord Duffus, had complained, perhaps with an unguarded freedom, of the calumnies that had been employed to injure his credit with the king ; but that he had discovered and defeated his enemies, and had gained the man (the Earl of Clarendon) on whom their leader's (Middleton's) dependence was placed. The letter was intercepted by Middleton ; and at the request of parliament, Lorn was remanded to Scotland for trial. It was peculiar perhaps to the Scottish jurisprudence, to prohibit the arts of court defamation as *leasing-making*, and to punish the complaints of the sufferers as sedition. As the complaint of calumnies, industriously conveyed to the royal ear, was calculated to excite sedition, or to sow dissensions between the king and the people, Lorn, on his arrival, was arraigned on those old and tyrannical laws ; and upon his implicit submission to the mercy of the sovereign, for defence was unavailing, the same parliament, which

²¹ Burnet, 211.

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Aug. 26.

in the preceding session had condemned his father, pronounced a similar sentence of death upon the son. His execution was referred to Middleton, his implacable enemy ; but his life was preserved by the injunctions of Charles, that no sentence should be inflicted without permission from court. But an act of unexampled severity was passed, to prohibit all intercession for the children of persons attainted in parliament, and to render them incapable of being restored by the king to their titles and estate. No penalty was annexed to the act ; for it was an approved maxim among the advocates for prerogative, that to specify the punishment imposed an undue limitation upon the crown ; but that a prohibitory act without a penalty, might extend to any arbitrary punishment that should be inflicted, less than death²².

Act of balloting.

Having persuaded the king that the parliament wished to incapacitate a few obnoxious delinquents from public trust, Middleton artfully infused an opposite idea into parliament, that the king was secretly disgusted at Lauderdale, and solicitous of such a decent pretext for his removal from office. An act was prepared for the incapacitation of twelve persons by ballot, the result of which was to be scrutinized by a secret com-

²² Burnet, 215. Wodrow, 1. 235—8. Kirkton, MS. 22. 38. Brown's Miscellanea Aulica, 209. See in Sir G. Mackenzie's Works, i. 401. an instance of this doctrine.

mittee, and not divulged till approved by the king. The members were previously instructed how to frame their lists; and, among others, the Earls of Lauderdale and Crawford were disqualified for public trust. The mail was diligently inspected; the stages were secured, to prevent the secret from transpiring at court; but Lord Lorn transmitted the intelligence by private roads, and requited Lauderdale for the preservation of his life. Before the arrival of the commissioners from parliament, the king and Clarendon were prepossessed against the report, which was indignantly rejected; and the advantage was improved and pursued by Lauderdale to his rival's disgrace. Though public employments might sometimes, he said, be conferred by ballot, punishments by ballot were never inflicted. But by a deception alternately practised upon the parliament and on the king, an invisible judgment was pronounced by ballot, in which the malice of his enemies was securely gratified, and a punishment not less severe than iniquitous, was dispensed without accusation or proof, and even without intimation of the impending danger²³. Clarendon acknowledged that the measure was inexcusable, but endeavoured to preserve his

²³ *Miscellanea Aulica*, 213. Lauderdale's charge against Middleton is written with a vigour and eloquence seldom to be found in state papers; and conveys an advantageous idea of his talents.

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Clergy
ejected.

friend from disgrace, and until the king's anger should subside, advised him to proceed with diligence to enforce the laws so recently enacted for the preservation of the church.

When the bishops held their diocesan synods, most of the ministers submitted in the north. In the western counties their resolution not to observe the acts, nor by any canonical obedience, to acknowledge the jurisdiction of the prelates, was confirmed by the patient fortitude of the numerous clergy, whom the act of uniformity had ejected in England. They concerted measures to avoid offence to the state if tolerated, but if silenced, to submit at once to the injunctions of the council; expecting, from the desolate state to which the church would be reduced, that if they stood and suffered together, they would soon be replaced. But the same example had instigated the fierce disposition of Middleton, to retrieve his declining credit at court, by adopting the most exceptionable measure in the administration of Clarendon, and perhaps the only one which fixes on the memory of that statesman an indelible stain of duplicity and persecution. In a progress through the western counties, an act of council was framed at Glasgow in a fit of absolute intoxication. Whatever ministers had neglected or declined to procure presentations from their patrons, and induction from the prelates, were ordered to remove from

their parishes, or to be displaced if necessary by military force. Three hundred and fifty clergymen were ejected from their livings; above a third part of the church was displanted, and the tears excited by their valedictory sermons, were due to their sufferings, when they were expelled from their homes in the winter season; deprived of the stipends to which they were entitled for the preceding year; and with their numerous families left destitute of support. The commissioner imagined that the greater number would solicit indulgence or collation from their ordinaries, while the resistance of a few zealots would justify the severities which he was prepared to inflict. Their unexpected submission disappointed, but did not disarm his resentment. The most distinguished clergymen were selected for persecution, upon the recent oath of allegiance to the king. However willing to acknowledge that his majesty was supreme *civil* governor in ecclesiastical affairs, their explanation of the oath was rejected; and as no penalties were annexed to the act, they were either confined to remote districts, or were enjoined to banish themselves from the kingdom for life. But the expulsion of the western clergy excited loud discontent. Their austere and exemplary deportment was universally respected. They were connected by consanguinity or marriage with the

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Origin of
conventi-
cles.

principal families, and from their endearing familiarity, and fervent devotion, were beloved by the people. The most ignorant or vicious of the clergy, the very refuse of the northern parts, were summoned by a general invitation, and were easily admitted to the benefices of the west. But the negligence or irregular conduct of the new incumbents was ill calculated to remove the prejudices of the people; and the few who from their birth or their talents were above contempt, but from their violence beneath esteem and respect, were no less detested than the others were despised. The people rejecting the instructions of the *curates*, seceded in search of the spiritual manna, that no longer descended around their tents. Each Sunday they abandoned their church and their parish in a body, to attend the worship of their former pastor; and as his habitation was too small or remote for their reception, conventicles first began to be held in the fields. The severities of the privy council were proportionably augmented. The ejected clergy were forbidden to approach within twenty miles of their former parishes, within six of Edinburgh, or of a cathedral church, or within three miles of a royal borough; and when the means of earning their subsistence were thus interdicted, the common offices of humanity were proscribed, and the people were

forbidden, under the same penalties of sedition, to contribute to their support²⁴.

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Middle-
ton's dis-
grace.

The administration of Middleton, from his riotous excesses, had become justly contemptible, and from his severities odious; but the removal of an imperious minister seldom proceeds from the sufferings or from the complaints of the people. The accusation preferred by Lauderdale might have failed, if Middleton's own indiscretion had not accelerated his disgrace. His services were magnified by the prelates, and on his return to court, he found powerful intercessors in Clarendon, Sheldon the primate, and Monk. But the king was incensed at his presumption in countermanding an order procured and transmitted by Lauderdale to the privy council, to prolong by proclamation the term prescribed for the discharge of fines. His disgrace produced general satisfaction, but the national joy was of short duration. His successors proved more imperious, and worse than himself. Rothes was appointed commissioner to parliament, and was attended by Lauderdale, to whom he was visibly subordinate; but Lauderdale himself was dependent upon the prelates, and was compelled to yield to their most furious demands²⁵. Originally not

Lauderdale
minister.

His cha-
racter.

²⁴ Burnet, i. 221. Wodrow, i. 145—55—63. 205. App. 18. Kirkton's Manuscript, 44.

²⁵ Clarendon's Life, ii. 96. 105. Hist. ii. 582. iii. 124. Burnet, i. 143.

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less attached to the covenant than at present to the court, he engaged in its measures with the zeal of a proselyte; determined that no compliance should be omitted to promote his ambition or to preserve his place. His personal appearance is perhaps satirically described as enormous or uncouth; his hair was red and dishevelled; his tongue too big for distinct articulation; his address ungracious, and his manners coarse, boisterous, and unsuitable to the fastidious refinement of a court. During a long imprisonment, his mind had been carefully improved by study, and impressed with a sense of religion which was soon effaced on his return to the world. His learning was extensive and accurate; in public affairs his experience was considerable, and his elocution was copious, though unpolished and indistinct. But his temper was dark and vindictive, incapable of friendship, mean and abject to his superiors, haughty and tyrannical to his inferiors; and his judgment, which was seldom correct or just, was obstinate in error, and irreclaimable by advice. His passions were furious and ungovernable, unless when his interest or his ambition interposed: his violence was ever prepared to suggest or to execute the most desperate counsels; and his ready compliance preserved his credit with the king, till his faculties were visibly impaired with age.

When the parliament reassembled, Middle-

ton's friends were removed from the committee of articles, and the former mode of election was revived. The prelates selected eight peers, who appointed eight prelates in return; the sixteen assumed an equal number of barons and burghesses, to whom the officers of state were super-added; and from the servility of the prelates, the nomination of the Lords of Articles, and the independence of parliament were resigned to the crown. An act was passed at their instigation, against disobedience to ecclesiastical authority, and separation from the church. The clergy, ejected or silenced by their bishop, were punishable as seditious if they presumed to preach. Landholders, on their separation or absence from their parish church, were to forfeit a fourth part of their rents, tenants and citizens a fourth part of their substance, the freedom of their corporations and the privilege of trade; and were besides subjected to such corporal punishment as the privy council might choose to inflict²⁶. A declaration framed in the preceding session, to abjure the covenant and to renounce the right of resistance, was confirmed by the same severe penalty of incapacitation, and the loss of the privilege to trade; but the experience of every age

²⁶ Parl. 1663, ch. 1, 2. The act against separation preceded, and appears to have suggested the act against conventicles in England, passed 1664.

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may demonstrate, that the most solemn disavowal will never prevent the resumption of those rights which are deemed inalienable²⁷. An army of twenty-two thousand horse and foot was offered, not for internal defence but to march to whatever place the sovereign might require. To enhance the value of his services, Lauderdale proposed, by this splendid offer, to represent the real utility and importance of Scotland, if an arbitrary government were to be introduced into England.

Wariston's
execution.
July 22.

Johnston of Wariston, who had escaped to the continent, and had resided for two years unmolested at Hamburgh, was discovered at Rouen on his removal to France, and was delivered up to the resentment of the English court. He was produced in the present parliament to receive sentence of death, but his faculties were so much decayed, and his body so debilitated by age and sickness, or by the treacherous prescription of the king's physician²⁸, that his incoherent defence af-

²⁷ The declaration of Colville, a presbyterian clergyman, deserves to be recorded; that he wished the people to believe resistance unlawful, for the sake of public tranquillity, but that kings and their ministers should believe it lawful, and govern like men who might expect to be resisted. Burnet, i. 228.

²⁸ Strange as this circumstance may appear, it is asserted by Kirkton, who attended him in prison, and he intimated in his speech on the scaffold, that he was poisoned at Ham-

forded a subject of cruel derision to his enemies, and a melancholy spectacle to the compassion of his friends. His sentence in such a situation, was a reproach to government. Lauderdale durst not, however, protect a man whom the presbyterians revered, and against whom the king was personally exasperated. His faculties seemed to revive upon the scaffold, where he spoke and suffered with devout enthusiasm. Among the presbyterians, his lengthened devotions, and zeal for the covenant, had procured a reputation of superior sanctity, which, as it was confirmed by martyrdom, is still preserved. But he was a man, of more than common understanding or genius; of an active, violent, and disinterested spirit; of a quick and vivid invention; of an extensive and tenacious memory; incapable of repose; indefatigable in application; ever fertile in expedients; endowed with a vehement, prompt, and impressive elocution; and at a time when the nobility themselves were statesmen, his political talents raised him from the stamburgh, and drained of sixty ounces of blood by Bates, author of the *Elenchus Motuum*, and successively physician to Cromwell and to Charles II. It is also mentioned in the *Chronicle of Fife*, p. 206. Nor is it discountenanced by the character of Bates, who permitted his friends to boast, after the restoration, that he had accelerated Cromwell's death by his prescriptions. *Biographia Brit.*

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1664.
Ecclesiastical com-
mission.

tion of an obscure advocate, to a level with the prime nobility in affairs of state²⁹.

The dissolution of a servile, vindictive parliament was acceptable to the people. But the execution of its laws remained, in which the cruelties inflicted by government are hardly consistent with the character of a civilized state. A court of ecclesiastical commission was procured by Sharp, consisting of nine prelates and thirty-five commissioners; but a bishop, with four assistants, composed a quorum, to which the civil and military officers were all subordinate. Neither time nor place was prescribed for their meetings; and an ambulatory court was established upon the principles of the inquisition; an ecclesiastical court, bound by no forms of law, was instituted to exercise a civil jurisdiction for the preservation of the church. Its summary proceedings were conducted without accusation, evidence, or defence. The persons cited were convicted on captious interrogatories, and if legal defences, or satisfactory answers, were returned to the questions, they were punished on their refusal to receive the oath of allegiance, which was invariably tendered, or to acknowledge the spiritual supremacy of the king. The violence of Sharp was abetted

²⁹ Burnet, i. 37. 297. Naphtali. Wariston kept a minute diary of his life, which, if still extant, would explain the most secret transactions of the covenanters. Kirkton, MS.

by Rothes, who over-ruled the moderation of the temporal judges; and the commission proceeding from imprisonment and ruinous penalties, to corporal punishments, appeared to emulate or even to exceed the severity of the privy council. Every petty or pretended riot was magnified into a conspiracy against the church or state. The gaols were crowded with prisoners; numbers ruined by penalties, sought a refuge among their countrymen in Ulster, till at length the people, preferring the danger of outlawry, refused when summoned, to attend the commission; the lay commissioners refused to witness its illegal violence, and the commission sunk into such general contempt, that in two years it was suffered to expire³⁰.

But a severer, and more extensive persecution^{Military persecution.} was already introduced. The western counties, which continued refractory, were abandoned by government to military oppression wherever the people had deserted the church. The clergy were the sole accusers; and the soldiers, at once the judges and the instruments of justice, were commanded by Turner an Englishman, who was naturally ferocious, and almost always drunk. Lists of recusants were presented by the clergy, and the people who were fined by Turner with-

³⁰ Kirkton, 51. Burnet, i. 301—8. Wodrow, i. 192—7—9—223. Cruickshank's Church Hist, i. 183. Crawford's MS. Hist. ii. 74.

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out examination, were *eaten up* by the military, who were quartered upon them till the fines were discharged. The penalties were enormous; the insolence and oppressions of the soldiers intolerable. Neither the old and infirm, nor widowed or orphan indigence, were exempted from fines, which the soldiers were permitted to exact at discretion, on their absence from church; and as the landlords were rendered responsible for their tenants and servants, so the tenants were *dragooned* and ruined by quarterings if their landlords withdrew. Their substance was consumed or sold to discharge the penalties; their families were reduced to indigence and dispersed; and for three years this desolating persecution was successively resumed. Additional forces, to prevent the danger of an insurrection so industriously excited, were raised as an additional source of persecution. The fines imposed by the late parliament, which had been frequently suspended, but never entirely remitted by Charles, were appropriated to their support, and were levied as usual, by free quarters and military execution. No defence or exemption was admitted³¹. The complaints of the people were disregarded by government, and chastised by the

³¹ The king is represented by Hume, as endeavouring to mitigate or persuade his ministers to remit one half of the fines. But the fact is, that they were levied entire, for his own use. Wodrow, i. 203—6—25—37.

soldiers. The indigent were dragged to prison, and the public gaols, which the high commission had filled and crowded, were emptied by the transportation of the prisoners to Barbadoes. The commons in vain implored the protection of their superiors, who durst not interpose; and under the influence of Sharp and the prelates, which Lauderdale's friends were unable to resist, the government seemed to be actuated by a blind resentment against its own subjects. Such was the insolence or apprehensions of the prelates, that twenty of the chief gentlemen in the western counties were imprisoned at their instigation for several years, in order to prevent the danger of an insurrection during the Dutch wars³².

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The presbyterians had hitherto endeavoured to disarm the resentment of government by submission; but their submission had furnished an additional pretext to prolong their miseries, and to justify those coercive measures to which such prompt, and unexpected obedience was given. Turner, in his third expedition, which continued upwards of seven months, had spread desolation and despair through the West. Many families were dispersed and scattered over the kingdom. Numbers, both of the gentry and peasants, were driven from their habitations, to lurk for conceal-

Insurrec-
tion in the
West.

³² Wodrow, 184—6—9—92—224—37. App. 86. Burnet, i. 308. Naphtali. Hind let loose, 184.

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1666.

Nov. 13.

ment in morasses and mountains³³. The presbyterians perceived that their ruin was determined, and their sufferings had already risen to such an unhappy extreme, that no consideration could prevent their resistance, but the improbability of success. It is said, that their clergy were encouraged to resist, by the confusion and dismay which the recent fire of London was expected to create. Their own account is more simple and correct. An indigent old man had been seized as unable to discharge the fines of the church; and as he lay bound, and extended on the ground, to be conveyed to prison, the peasants moved with sudden indignation at this cruel treatment, disarmed the soldiers in order to procure his release. Despair, and the apprehensions of an indiscriminate punishment, increased their numbers; and after securing the soldiers in the neighbourhood, they surprised Sir James Turner, who remained at Dumfries with a slender guard. He had no mercy to expect from their rage; on examining his instructions, however, his severities appeared comparatively so mild, that his life was preserved. Their numbers were still inconsiderable, but by the influence of some ejected clergy, they were augmented to two thousand on their arrival at Lanerk. There they renewed the covenant, after a solemn fast, and in a public decla-

Nov. 15.

³³ Burnet, i. 341. Wodrow, i. 241—83.

ration, professed that their allegiance to the king was undiminished; protested that their recourse to defensive arms was to remove the oppressions under which they suffered, and demanded that their beloved presbytery should be re-established, and their ministers restored. Their commanders were Wallace and Learmont, two obscure officers, for the principal gentlemen were still imprisoned; but the spirit of the country was subdued by oppression; and in a fatiguing march towards the capital, instead of acquiring strength, they were deserted by half their numbers in a single night³⁴. Nov. 27.

Roths, a few days previous to the insurrection, had departed for court, and the government remained in the hands of Sharp, whose consternation was extreme. Dalziel, the general, collecting his forces at Glasgow, pursued the whigs, as the insurgents were denominated, who approached within a few miles of the capital. But the gates were secured and protected by cannon; the neighbouring gentlemen were summoned to its defence; the lawyers and the principal inhabitants were embodied; and as all egress from the city was prohibited, the whigs were disappointed of the expected aid of their friends. They listened to an insidious cessation of arms, till almost surprised; but the proclamation requiring them

Defeated at
Pentland.

³⁴ Burnet, 241—57. Law's Memoirs, MS. Advocates' Library. Kirkton's MS.

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Nov. 28.

to disperse, contained no offer of indemnity or of pardon. Their numbers were reduced to eight hundred, dispirited and exhausted by want, disappointment, and fatigue. On attempting to return by the Pentland hills, they were overtaken by Dalziel, whom they repulsed at first in different attacks; but at sunset their ranks were lost, or broken by the cavalry, and they were overpowered and dispersed. Not above fifty were killed, nor more than an hundred and thirty taken in the pursuit. The rest were preserved by the darkness of the night, by the fatigue of the king's troops, and by the compassion of the gentlemen, who composed the cavalry, for their unhappy countrymen whom oppression had rendered mad and desperate, but whose behaviour had been mild and inoffensive during the whole insurrection. The inhabitants in the vicinity were less merciful, and many of the fugitives were intercepted and slain³⁵.

Executions

No sooner were the two archbishops released from their terror, than the common observation was fully verified, that cowardice and cruelty are seldom disjoined. Whether the public faith is to be observed with rebels, or whether they ought to be tried and punished for treason, after having surrendered upon assurance of quarter, (a question which the victorious party must ever deter-

³⁵ Kirkton's MS. Wodrow, i. 253. Burnet, i. 345.

mine,) was agitated in vain. The most moderate of the episcopal clergy urged in vain, that an opportunity had now occurred to conciliate the people, by their humane intercession for the lives of the prisoners, and by their interposition to preserve the country from military oppression. But the prelates, who considered revenge as more profitable and useful to their order than clemency, indulged or instigated the most sanguinary revenge. Burnet, Archbishop of Glasgow, proposed, that such as refused to abjure the covenant, should be indiscriminately executed. Sharp, who presided in council, incited the clergy to inform against their parishioners, nor were they unwilling or slow to perform that disgraceful task. Above twenty of the unfortunate prisoners were executed at Edinburgh; ten of them suffered on the same gibbet; their heads were placed upon the city gates, and their right arms were sent for the same purpose to Lanerk, where the covenant had been subscribed. Thirty-five were executed in the country, at their own doors; and in order to discover the origin of a casual insurrection, some were inhumanly tortured before their death³⁶. Their lives indeed had been conditionally promised, if they would renounce

³⁶ Kirkton's MS. Mackenzie's Works, ii. 218. Wodrow, i. 257—9. Shield's Hind let loose, 186. Chronicle of Fife, 244.

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1667.

the covenant. But they died with such exultation, that, at last, it was difficult to procure executioners: they bestowed such solemn testimonials on the covenant, that their declarations on the scaffold were silenced with drums. Executions became so frequent, that an order arrived from court to prevent the judicial effusion of blood. It was withheld from council by the two archbishops, till the execution of Maccail, a young preacher, whom they had tortured, in order to extort a confession of his associates, or of the conspiracies from which the insurrection was supposed to have originated. The common instruments of torture were boots of iron, within which the leg was compressed with wedges. But Maccail endured the torture till his leg was crushed and broken; and expired on the scaffold, in ecstasy, exclaiming, with a sublime enthusiasm, "Farewel, thou sun and moon! the world, and all its delights, farewel! Welcome, God my father! welcome, Christ my redeemer! welcome, glory and eternal life! welcome, death!" At these rapturous exclamations, uttered in a voice and manner peculiarly impressive, every eye was suffused with tears³⁷.

Military
execution.

As if public vengeance were not yet satiated, military execution was introduced into the West. The severities which Turner had inflicted on the people, were surpassed by Dalziel and Drum-

³⁷ Kirkton's MS. Naphtali.

mond; officers of a brutal character, who had been inured to cruelty in the Russian service. Some were put to the sword, or executed on the highway without a trial; others were tortured with lighted matches fastened to their fingers, to extort confession; and among other atrocities imputed to Dalziel, a son was executed because he refused to discover his father; and a woman accessory to the escape of her husband, was tortured to death³⁸. The soldiers were indulged in every species of military excess. Rapes, robberies, and murder were committed with impunity, and the prisoners who had been arrested on suspicion, were stript and thrust into crowded, contracted, and unwholesome gaols. Instead of imposing penalties, a sufficient number of soldiers were quartered upon recusants, in order to ruin or to *eat them up*, in a single night. Instead of interceding for the people, the clergy abetted the crimes of the military with whom they associated; aided or directed their violence; connived at their excesses; and amidst calamities productive of a transient conformity, rejoiced at the golden age which the church enjoyed. The western counties were subjected for seven months to every species of military outrage, till the appearance of a Dutch fleet in the Forth recalled the troops to the protection of the coast³⁹.

³⁸ Id. 67. Burnet, i. 349.

³⁹ Kirkton's MS. Wodrow, i. 264. Naphtali. Hind let loose, 186.

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Trials and
conviction
in absence,

Nor were the judges permitted to escape the infamy of the times. It was an established maxim, adopted from the Roman law, and even in questions of treason, confirmed by statute, that no one could be condemned when absent, or deprived by outlawry of a legal trial on his appearance in court⁴⁰. A salutary maxim, necessary to prevent the indiscriminate proscription of adverse parties, had been so firmly established, that when trial after death was introduced by statute, the bones of the deceased, in order to preserve the forms, if not the spirit of justice, were presented at the bar; and when decrees of *forfaulture* were pronounced in parliament, against the absent, no sentence was passed till they were produced and heard in their own defence⁴¹. But the gentlemen, whose estates the government was desirous to confiscate, had remained concealed or were preserved by flight; and the authority of the court of session was required for their conviction. The officers of state, having privately tampered with the judges, presented a series of questions to the court: If in cases where the treason is notorious, trial be competent after death, why not in absence? if forfeitures in absence can be pronounced by the legislature, why not by the court of justiciary, to whom, whatever is just in parliament, must be equally competent?

⁴⁰ Parl. 1587, ch. 91.

⁴¹ Montrose and Wariston, though forfeited in their absence, were both heard before sentence was pronounced.

On such fallacious deductions, and in opposition to the established laws of the realm, an obsequious court did not hesitate to deliver a solemn opinion, that the justiciary court might proceed, in the absence of the accused, to the trial and condemnation of such contumacious traitors as refused to appear⁴². Of fifty-five gentlemen arraigned in their absence, above twenty were tried and condemned to be executed whenever they were apprehended. Their estates were conferred on Dalziel and Drummond, or were retained by the officers of state to enrich themselves. Conscious that the opinion of the civil, and the proceedings of the criminal tribunals were illegal, they applied to the next parliament to confirm the sentence, and to enlarge the powers of the court of justiciary. They solicited no indemnity nor authority for an illegal punishment, recently introduced. The prisoners who refused to abjure the covenant, or to subscribe the declaration and oath of supremacy, were condemned to transportation by the king's instructions, and were adjudged to servitude in the English plantations. No penalty was annexed to the statute to which we have alluded. According to the new maxims of the arbitrary government, that to specify the penalty were to limit, not to enlarge the prerogative,

Transportation illegally introduced.

⁴² Mackenzie, ii. 74. Wodrow, i. 286. Arnot's Criminal Trials, 80. Even Mackenzie seems to reprobate the opinions and trials as illegal, p. 75.

transportation was thus introduced by the privy council as an adequate punishment on the refusal of the oaths⁴³.

The severities which I have described, or shall hereafter have occasion to relate, may excite surprise and regret, that the government had not yet acquired moderation or lenity from past experience, nor discovered that persecution confirms, instead of extirpating, the religious opinions or prejudices of the human mind. The inefficacy of persecution is the discovery of science, but the benefits of toleration are the slow result of the commercial intercourse of men, and of their growing indifference to religious disputes. Every church is inspired with the zeal of procuring proselytes, and unless disarmed by the lukewarm faith of the government and of the people, an established church is ever desirous to impose its tenets by force upon refractory sects. A government monopolized by an exclusive party, is equally disposed to persecute the adverse faction. The natural operation of power is to vitiate the heart; and it is the tendency even of the best and most refined governments, to relapse into persecution, against which there is no effectual security but popular assemblies equally accessible to every party, and uninfluenced by the government which they are intended to controul. But

⁴³ Mackenzie's Observations on Stat. i. 461. Wodrow, i. 270.

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on the con-
stitution.

the royalists were a furious and vindictive party, alike hostile to the liberties and to the religion of the nation. On obtaining the exclusive possession of power, they dispensed, in a single breath, with the most valuable privileges which the nation had recovered; the liberties and triennial succession of parliaments; the choice of the committee of articles; the freedom of debate; the independence of the judges; and conspired to enlarge, and exalt the prerogative till the government became radically and constitutionally despotical. The prelates by whom the administration was actuated, were mostly apostates from the presbyterian church; indifferent to religion; ambitious and intent on the acquisition of power, which they deemed insecure and precarious, unless severities were daily multiplied for their preservation. The presbyterians incapacitated, and excluded from trust by declarations and oaths, had no means to abate the rigors, and scarcely enjoyed the protection of government. The humanity of their sovereign, who appeared insensible to their sufferings and complaints, was a feeble resource. His occasional interposition was partial, tardy, and seldom effectual. His choice had invariably been fixed upon the worst ministers, as the most devoted to his power; and the presbyterians had reason to lament, that the former recal of the king, and their credulous reliance upon his royal word, had reduced the nation

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A mild
adminis-
tration.

under a foreign yoke that terminated in their present oppression and servitude.

The mismanagement, however, of the Dutch war was productive of an unexpected change in the administration of Scotland. The violence of the two archbishops had been artfully fomented or indulged by Lauderdale, till it reached a crisis destructive to themselves. Their influence had established a party in the council superior to that of his friends, and in order to perpetuate their authority, and to enrich the commanders, who consisted chiefly of their adherents, they proposed to continue the army, and to preserve a military government in the western shires. But their power appeared to be ripe for dissolution. Towards the conclusion of an unfortunate and disgraceful war, the king was compelled to mitigate everywhere the rigors of government, and was disposed to sacrifice even his most faithful servants to the public resentment. The opportunity was seized by the Earls of Tweeddale and Kincardine, to represent the wretched state to which the country was reduced. The chief support of the prelates was lost by the fall of Clarendon, whose exile deserves to be recorded, like the fetters of Columbus, as a signal memorial of the ingratitude of kings. The first symptom of their decline and disgrace, was an order for Sharp to retire to his diocese from public affairs. Sir Robert Murray, whom the Royal Society should

revere as its father, was appointed justice clerk, and the people were pleased and gratified, when a judicial office so important and dangerous, was conferred upon the most upright, and accomplished character which the nation had produced. The appearance of a Dutch fleet in the Forth, while the commissioner was absent in the North, and the army was uselessly employed in the West, afforded a decent pretext for the removal of Rothes. After exciting a false alarm, the fleet departed to rejoin De Ruyter, and to assist him in burning the shipping in the river Thames. The absence of Rothes and of the army, at a time when the coasts were insulted and the country endangered, was aggravated by Lauderdale, in order to accelerate his removal; and he was deprived of his numerous offices, the treasury, the command of the army, and the presidency of the council; but he retained the office of chancellor, which was confirmed for life. A milder administration succeeded. The nation began to breathe again under Tweeddale, Kincardine, and Sir Robert Murray, and enjoyed for a time, if not the blessings of liberty, at least, the benefits of a humane and impartial government⁴⁴.

When the army was withdrawn from the West, and disbanded on a peace, some security was required on the removal of military force.

Bonds of
peace.

⁴⁴ Kirkton, MS. 68. Burnet, i. 350—5. Wodrow, i. 271.

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The prelates who demanded that the declaration should still be exacted, expected a fruitful source of persecution from the refusal of the presbyterians to abjure the covenant. The ministry recommended, as a milder expedient, that suspected persons should enter into bonds, instead of religious tests, for the preservation of public peace. The interposition of a private contract to secure the public tranquillity, may appear to derogate from the dignity of government; but the bonds of peace were necessary to appease the jealous apprehensions of the court; and as they were accompanied by an ample indemnity, they were generally preferred to religious tests, except by a few who scrupled to profess obedience to iniquitous laws⁴⁵.

Attempt on
Sharp's
life.
July 11.

The apostacy of Sharp had excited such deep resentment, his rigors had inspired such implacable revenge, that it is not surprising, if, among a persecuted sect, and a fanatical party, some attempted to perpetrate a deed of which few disapproved. A pistol was discharged at his person, when sitting in his coach, by day-light, in the public streets; but the ball passed the Bishop of Orkney's cloak, and was intercepted by his arm, as he was ascending the carriage. Such was the hatred of the archbishop, that the assassin was permitted to cross the street and to escape through

⁴⁵ Kirkton, MS. 287. Burnet, i. 376.

a lane. On disengaging himself from his disguise, he returned to the crowd; and, notwithstanding the most vigilant search, he remained undiscovered, till recognised six years afterwards by Sharp himself. The outcry against the covenanters was renewed, and Honyman, the Bishop of Orkney, whose arm was shattered by the bullets, languished for a few years, and died of the wound. For a time, the primate affected a transient lenity, but as such an atrocious deed must exasperate the mind, no real moderation was inspired by his escape⁴⁶.

The humane design to relieve the presbyterians, was retarded, but not discouraged by the attempt upon Sharp. The scandalous lives, and the ignorance of the western clergy were notorious, and the people were inflamed and agitated by a hot, itinerant race of youthful preachers, whose fiery polemics required a present remedy, more efficacious than persecution could afford. An accommodation with the presbyterians was attempted by Leighton, while the situation of the church might admit of an easy comprehension of sects. The prelates, who were intent upon the acquisition of power, had introduced no material innovation in its worship or its rites. Its worship was still extemporary, or was exchanged in some congregations for a portion of the liturgy;

Compre-
hension of
sects at-
tempted.

⁴⁶ Burnet, i. 471. Kirkton, MS. 71.

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1669.

the sacramental rites were administered without kneeling, or the sign of the cross; and as the surplice, the altar, and the offensive ceremonies of the preceding reign were not generally revived, an uniform mode of worship was not difficult to be restored⁴⁷. The chief obstacle, and almost the only source of defection, was the government of the church, which, according to Leighton's scheme of comprehension, was to be restored to its former situation in the reign of James. The bishops were to relinquish their negative, and not to ordain without the concurrence of the presbytery; and their authority was to be reduced to little more than a right to preside in ecclesiastical courts. The presbyterian clergy were to be replaced and relieved from canonical oaths, and permitted, on their ordination or return to their presbyteries, to exonerate their conscience by a protestation against the pre-
cedence of the bishops, to which they submitted only for the sake of peace. Leighton, whose proposals were moderate, yet artful to an extreme, expected that the protestations would be soon forgotten, and represented to his own order, that their authority would easily be recovered, without the danger of a schism, when the present generation had sunk into the grave. But the prelates were not more unwilling to unlock the

⁴⁷ Sir George Mackenzie's Works, ii. 343. Skinner's Hist. ii. 467.

gates, than the presbyterians to enter within the pale, of the established church. The latter were apprehensive of the same consequences which Leighton had anticipated; that if the people were once accustomed to the name of prelates, presbytery would expire with the present generation, and they preferred a separate, precarious existence, as a persecuted sect, to a secure and honourable, but obscure asylum, during the remainder of their lives. The people were industriously impressed with their fears; *touch not, taste not, handle not*, was their favourable text against religious communion with an hostile sect. The accommodation was protracted by fruitless conferences, in which their scrupulous obstinacy was generally blamed; but when their church had been so lately deprived of a legal establishment, it is not surprising that, in the true spirit of sectaries, they declined a comprehension which must have soon extinguished their religion and their name⁴⁸.

A partial indulgence proposed at the same time by Tweeddale, would have proved a more efficacious remedy, if it had been extensively adopted, or even steadily pursued. A part of the ejected clergy was permitted to officiate in vacant churches, and a small salary was promised to others who remained unprovided. The wages of silence were rejected, or rather were

Indul-
gence.

⁴⁸ Burnet, i. 362. 400. 402—33. Kirkton, MS. 42. Wodrow, i. 334. Appendix, 132.

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never paid : but the indulgence was at first so acceptable, that at different times above forty ministers were restored to their churches ; and their labours were at first so successful, that the people endeavoured, in other parishes, to purchase the resignation of the episcopal incumbents. But the exiled and ejected clergy, inveighed at an indulgence from which they were excluded. In a few years, their publications and sermons against an Erastian dependence upon the civil magistrate, estranged and separated the people from the indulged. When the latter ceased to preach to the times, the salt of their doctrine lost its relish, and it was visible to the people that the divine grace with which they were endued in conventicles, had departed on their submission to the injunctions of the civil power. The king's curates, as they were contumeliously denominated, were compared to dumb dogs, unable or afraid to bark. The controversy continued burning for many years. The people returned to their conventicles with an increase of appetite ; and the temporising clergy relapsed into those popular doctrines which they had been forbidden to preach. But the severity of government was soon awakened by the rapid growth and increase of conventicles, for which the indulgence was supposed to leave no pretext⁴⁹.

Merits of
admini-
stration.

While the present humane administration subsisted, the most assiduous application was given

⁴⁹ Wodrow, i. 303—51. Burnet, i. 413.

to public affairs. Intemperance and other vices of the age were discountenanced; justice was impartially administered; the excesses of Turner and his officers were strictly investigated; claims upon government were regularly discharged, and an annual surplus of the revenue was appropriated to purchase magazines of arms, and to promote useful schemes of manufacture and trade. Tweeddale and Murray were united by a sincere friendship, but unhappily for the country, the duration of their authority depended upon the support which they received from Lauderdale, whose character, so various at different periods, had undergone a sudden and surprising change. On his return to the world, the devout studies of his early years were abandoned for the profligate manners of the times. Hitherto his influence had been patriotically exerted for the benefit of his country, till he renewed an amorous connexion with the Countess of Dysart, whom he afterwards married, on the death of his wife. A woman of beauty, wit, and spirit, full of intrigue, whose blandishments Cromwell had been unable to resist, and whose literary accomplishments were beyond those of her sex, acquired an absolute dominion over his mind. She was vain and prodigal in her expences; venal, rapacious, or rather ravenous for money; violent in her friendships, but more implacable still in her resent-

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Lauder-
dale's inter-
ference.A parlia-
ment.
Oct. 19.
Union at-
tempted.

ments ; of a restless ambition ; ardent, insatiable, and deterred by no principle nor compunction from the attainment of her ends. Her vices and passions, to which Lauderdale became subservient, dishonoured his character and degraded his capacity in the estimation of the public. She inspired his mind with her own resentments ; she incited him to quarrel successively with his best friends ; and as she persuaded him that Murray, whom her father had formerly destined for her husband, assumed the sole merit of administration, the jealous Lauderdale, whose pride was alarmed at her suggestions, determined to superintend the government of Scotland himself⁵⁰.

A feeble attempt of Tweeddale's to accomplish an union of the two kingdoms, was encouraged by Lauderdale, that he might hold a parliament in person as high commissioner. The king was empowered to appoint commissioners for a treaty of union. Instructed, however, by the insignificant share which their country had acquired in the government during the usurpation, they refused, on a subsequent treaty, to accede to an union, unless the Scottish estates were preserved entire, and instead of a proportional representation, the two parliaments were incorporated into one⁵¹. But an union was utterly inconsistent with Lau-

⁵⁰ Burnet, i. 360. Kirkton, 80.

⁵¹ Kirkton, 80. Mackenzie, ii. 359. De Foe's Hist. Union, p. 54, 725.

derdale's designs. From an ostentatious display of his influence and services in the Scottish parliament, he expected to acquire a share in the administration of England; and he succeeded at length in obtaining admission into the celebrated Cabal. An act to explain and assert the prerogative was first procured. To the nobility he represented that the insolence of the prelates would be more effectually restrained; to the presbyterians, that a change would sooner be accomplished, if religion were left entirely to the disposal of the king. The external government and regulation of the church was declared an inherent right of the crown, and whatsoever his majesty should enact, respecting all ecclesiastical matters, meetings, and persons, when recorded and published by the privy council, acquired the same force and operation as laws. The religion of the king was not then suspected; but when his brother's attachment to popery transpired, there was no longer any doubt of Lauderdale's intentions to recommend himself to the duke, by providing a previous, discretionary power to introduce whatsoever religion he chose into the church. The next act was to confirm the national militia, which, in consequence of the offer of an army by the late parliament, had been embodied, armed, and regularly disciplined. An established militia of twenty-two thousand men was ordered to march wheresoever the privy

Two dangerous acts procured by Lauderdale.

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1669.

council of Scotland should appoint, and the honour or the safety of the king might require. In procuring acts so dangerous to the religion and liberties of either kingdom, Lauderdale exulted in his services to the crown. The supremacy was more firmly established than even in England, and the church was prepared to receive whatsoever religion the king should enjoin. An army, a treasury, magazines of arms, were provided in Scotland to support his authority, and the army was ready to march into England, on a secret intimation to the privy council, whose proceedings might be disavowed at court, if they failed of success⁵².

1670.
Parliament.
July 28.

The second session of parliament is distinguished by severe and sanguinary acts against conventicles, which the military had of late been employed to disperse. The people resorted to sermon in the open fields, which they preferred to houses for the purpose of escape or defence. A large conventicle in Fife, was attended by gentlemen in their ordinary arms, and the reproaches of the court, or of the English prelates, awakened Lauderdale to all the rage of persecution. House-conventicles were repressed by the former laws against separation; and husbands were rendered responsible for their wives, fathers for their children, and magistrates for the towns within which they were held. Field-conventicles were

Severe laws
against
conven-
ticles.

⁵² Parl. 1669, ch. 1, 2. Burnet, i. 218. Wodrow, i. 310.

more severely restrained. The preachers were subjected to confiscation and death; their hearers to double fines and the penalties of sedition. A reward of five hundred Scottish merks was offered for securing the persons of their preachers, or an indemnity for their slaughter; and house-conventicles were estimated and punished as field-conventicles, if crowded without, at the windows or doors. Whatsoever persons refused to depose against delinquents, or to furnish information on oath against such as held or frequented conventicles, were punishable by imprisonment, arbitrary fines, transportation to the plantations; and the privy council was enjoined to enforce the utmost rigor of the act, against all who declined to turn public informers against their relations and friends. It is observable that the king himself disapproved of the first as a sanguinary statute, but his humanity never interposed to prevent its renewal in the subsequent parliament, much less to procure its repeal. A severe and iniquitous law was productive, however, of unforeseen mischiefs. The people, instead of being deterred by its rigors, repaired to conventicles with arms for their defence; and as field-conventicles became more numerous, armed conventicles began to prevail⁵³.

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When three-fourths of the nation are represented as sectaries from the national worship, the per-

Lauder-
dale's ad-
ministra-
tion;

⁵³ Parl. 1670, ch. 2, 5, 7. Wodrow, i. 323. Burnet, i. 429.

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1671.

tyranny,
and insolence.

1672.

June.

version of terms may excite our derision; but when the majority of a people are proscribed and persecuted for religious opinions, we must lament that fatal intermixture of the human passions, which, though more frequent, and esteemed more venial in the transactions of government than in the administration of justice, is far more destructive to the human race. From the corrupt and furious passions of Lauderdale, his administration relapsed into the same tyranny from which he had relieved the nation; with this difference, that in proportion as it was prolonged, it became daily worse. On his return to Scotland with the title of duke, his insolence provoked universal disgust. The parliament was adjourned till the Countess of Dysart, whom he had lately married, was conducted round the country, where they were attended and received in their progress with regal pomp and respect. Their profusion was immense; and in the hands of his rapacious duchess, every thing became venal in Scotland. As his humour or interest predominated, the presbyterians were alternately persecuted and their clergy indulged; but persecution, instead of being committed to the prelates, was reserved as a source of emolument for himself and his friends⁵⁴. Some idea may be formed of his violence and rapacity, of which it is impossible to enumerate the particulars, from a lively sketch

⁵⁴ Burnet, ii. 61.

of the grievances and the situation of the country under his administration.

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VII.

1672.

Situation
and griev-
ances of the
nation.
Nobility.

The nobility, who exceeded an hundred, were immersed in poverty and in debt, and were mostly supported by pensions from the crown. From their numbers they had acquired the chief sway and control in parliament; but their lofty titles and decayed fortunes rendered them equally obsequious to the favourite and oppressive to the nation. They had no access to the throne, except through the minister, who engrossed the absolute disposal of offices; and from his residence at court, they sunk with the country into an absolute submission to his meanest dependants, his servants and friends⁵⁵. The privy council and the courts of justice were filled with his creatures, but the former enjoyed no share in the government, except the merit of an implicit execution of his commands. The latter consisted of ignorant or unprincipled judges, merchants, country gentlemen, collectors of revenue; and under the management of his brother Lord Hatton, and of Sir James Dalrymple the president, favour, bribery, partial and corrupt judgments prevailed beyond any former period⁵⁶. An alteration was

Courts of
justice.

⁵⁵ *Miscellanea Aulica*, 190. *Wodrow's Hist.* i. App. 147. and *Collections*, MS. vol. xxvii. 8vo. Adv. Library.

⁵⁶ *Id.* The judges, &c. had been forbidden, by repeated and recent statutes, to grant protections from arrestments, under the penalty of becoming responsible for the debt. Pro-

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1672.

introduced by parliament into the court of justiciary, to which five lords of session were conjoined, instead of the deputies whom the justice general, or the assessors whom the privy council had been accustomed to appoint. But the expectations of parliament were not entirely fulfilled, as the criminal court was converted into a chamber of the court of session, infected with the same abuses, and equally devoted to the ministers of the crown.

Abuses of
revenue.

The revenues of Scotland were engrossed and wasted by Lauderdale and his friends. The parliament was prolonged above four years, that he might enjoy the rank and emoluments of commissioner; and during his abode in Scotland, his revenues exceeded those of its ancient kings. His salary was sixteen thousand pounds sterling; the donatives which he had obtained, amounted to twenty-six thousand pounds; but the annual revenues of the crown, the surplus revenue accumulated by Murray, and an assessment of seventy-two thousand pounds, were insufficient to support his profusion, and quickly disappeared in his hands. A gift of the feudal incidents of ward and marriage, was conferred upon the Earl of Kincardine; another gift of the incidents due before the restoration, was engrossed by Lauderdale. These, however, became so frequent, that they were openly purchased for five pounds a-piece. Mackenzie's Observ. i. 308. Wodrow, i. App. 143.

dale, and exacted in the most oppressive manner from the vassals of the crown. But the most lucrative and oppressive sources of extortion were the penalties and compositions for attending conventicles, of which it is impossible to estimate the amount. Nineteen hundred pounds sterling were exacted by Athol, the justice general, for his own emolument in a single week. Two gentlemen, of whom the one was a youth from school, and the wife of the other had attended a field-meeting, compounded for fifteen hundred pounds. Thirty thousand pounds were imposed upon ten gentlemen, and these not the most considerable, in the shire of Renfrew. Injustice was aggravated by the insolence of Lauderdale, whose unfeeling jests insulted those who compounded for their fines. The penalties of nonconformity within particular districts were farmed out, or assigned to his dependents; and the estates of those who withdrew from his rage and insolence, were plundered and wasted by gifts of escheat⁵⁷.

The trade of the kingdom was almost equally oppressed. In Middleton's parliament, the regulation of duties on foreign trade was transferred to the crown; but an act intended to establish a balance of trade with England, was productive, in Lauderdale's hands, of the most pernicious

Monopolies.

⁵⁷ Wodrow's App. 346—62. Scotland's Grievances under the Duke of Lauderdale. Crawford's Hist. MS. ii. 113. Burnet, ii. 65.

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1672.

monopolies for the benefit of his friends. A duty, equivalent to a prohibition, was imposed upon foreign salt; the pre-emption of home-made salt was conferred on Lord Kincardine; and a necessary article was enhanced above five times its original price. A large impost was laid on tobacco; the importation of brandy was prohibited; and an odious monopoly was created by the sale of licences to import those articles of general consumption. Among other grievances which it is unnecessary to enumerate, the adulteration of the coin was universally felt. The currency of foreign money was fixed beneath its intrinsic value, that it might be brought to the mint, where Lord Hatton presided. The silver coinage issued in return, was adulterated and reduced in weight, and the country was filled with a species of light and spurious copper⁵⁸.

1673.
Opposition
in parlia-
ment.

From these grievances, the designs of Lauderdale and of the court, to render the one kingdom instrumental to the servitude of the other, must appear not less criminal than desperate in the extreme. While the minister vainly expected to retain all Scotland in dependence on himself, and while the king was persuaded that an army devoted to his service, was prepared to support his most arbitrary designs, an injured and insulted people was disposed, on the least disorder in England, to break into open rebellion as soon as

⁵⁸ Wodrow, i. App. 141. Scotland's Grievances.

the troops were removed. When the declaration of indulgence, which had been imitated in Scotland, was recalled by Charles, the Cabal dissolved in its own weakness and decay. Shaftesbury was preserved by an opportune defection, or rather by his uniform adherence to the popular party; and Lauderdale, whom the house of commons had declared a grievance, sought an undisturbed retreat from the tempest in Scotland. The opposition encountered there, was the more severe, as it was unexpected and justly incurred. The nobility was provoked at his arrogance, and the commons at his oppressions; but the mutinous disposition of parliament was not discovered nor even suspected until it assembled. The king's letter was read and enforced by the commissioner, recommending more vigorous means of persecution, and requesting additional aids for the Dutch war. Instead of the usual responses of a submissive parliament, the Duke of Hamilton, a younger son of the house of Douglas, who had married the heiress, and obtained, by the courtesy of Scotland, the titles of Hamilton, demanded that the situation of the nation should be first examined, and its grievances redressed. The grievances of the nation were re-echoed by twenty members. They arose and complained successively of the monopolies of brandy, salt, tobacco, of the administration of justice, and the adulteration of the coin; but religious persecution, the worst of griev-

Nov. 12.

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VII.

1673.

ances, was an interdicted subject of which they durst not complain. The commissioner, astonished at their opposition, endeavoured to interrupt their debates by his overbearing menaces. "Is this a free parliament or not?" was the indignant reply, and no expedient remained but to adjourn for a week. At the next meeting, in order to appease their indignation, the monopolies were repealed. But the relief was unsatisfactory, unless the author and instruments of oppression were removed and punished; and they who considered Lauderdale's inordinate power and accumulation of offices as the greatest evil, persisted in their resolution to represent the national grievances in an address to the king. The commissioner's last resource was to adjourn the parliament for two months; and in the interval, Tweedale, Hamilton, and the leaders of opposition were invited to court. They were received and dismissed with full assurances that the grievances should be left to parliament; and hastened down amidst such heavy snows and intense or continued frosts, that a third part of the sheep and cattle were starved to death. On their arrival, the parliament, which was permitted to meet, was adjourned within half an hour, and was then dissolved by a letter from the king⁵⁹.

⁵⁹ Scotland's Grievances. Kirkton, 88. Wodrow, i. App. 98. Crawford's Lives of Officers of State, 241. Burnet, i. 108. Law's Diary, MS. Adv. Library.

The disappointment excited such violent discontent, that some undertook to assassinate Lauderdale and his whole party ; but these desperate councils were overruled by Hamilton, who was again invited to court with his friends. They requested to be heard by their sovereign, but were required to present their complaints in writing. The most cautious complaints which it was possible to frame, would be converted into leasing-making, especially as the Archbishop of Glasgow had been lately entangled in the same snare. Their grievances were communicated to Charles by an anonymous letter, but all hopes of redress or relief were disappointed, as they durst not confide in his assurance, that no paper which they subscribed would be employed for their destruction. Their grievances were proclaimed in pamphlets, and renewed the demands of the English commons for the removal of Lauderdale. If not admitted by Charles to the secret of the first clandestine treaty with France, for restoring the catholic religion in England, he had entered with zeal into the second subsidiary alliance, to establish an absolute government by the introduction of French troops, with whom the army procured from the Scottish parliament was intended to co-operate. The acts ordaining the army to march wheresoever the Scottish council should appoint, and the honour or safety of the king might require, were examined by the house

BOOK
VII.

1673.

Redress of
grievances
evaded by
Charles.

1674.

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1674.

of commons, when the evidence of the celebrated Gilbert Burnet revealed his design, if the king had continued firm, to summon the Scottish army into England to support the Cabal. But the king, who had dismissed in Clarendon the monitor of his early youth, and the friend of his adversity, considered truly that a minister devoted to the acquisition of power was devoted also to the crown. Lauderdale, confirmed in his offices, became more absolute than ever; his opponents were all displaced from the council, except Hamilton; and though he condescended at times to court the presbyterians, his administration displays the most signal examples of the corrupt and wanton abuse of power⁶⁰.

Faculty of
advocates
expelled
from town.

A private litigation between the Earls of Dunfermline and Callender, to divest the latter of half his fortune, was espoused by Lauderdale, who determined, before his departure for court, to influence the decision of the bench by his voice and presence as an extraordinary judge⁶¹. The question was accelerated, and appointed to be heard by the president, in defiance of a recent statute, that no cause should be unduly or prematurely called⁶². An appeal to parliament, which was then uncommon, yet not without precedent, was

⁶⁰ Crawford's Hist. MS. ii. 125. Wodrow, i. 364—79. Sir John Dalrymple's Memoirs.

⁶¹ Crawford's MS. Hist. ii. 125.

⁶² See NOTE II.

immediately lodged. The novelty of the attempt was resented; and as the integrity of the court had already been impeached, and its decisions quoted in the late parliament as unjust or partial, it became the more necessary, in the opinion of the judges, to repress the insolence of the bar. The appellant's counsel were required to swear to the advice they had given, and Lockhart and Cunningham, the most eminent of their profession, were expelled for their refusal of an arbitrary oath. Fifty advocates, resenting the indignity done to their order, followed them from the bar, and at the instigation of Lauderdale, were banished twelve miles from the capital, till they should renounce the right of appeals to parliament. The necessity of appeals was universally felt and acknowledged in secret. But the bar was divided like the church into conformists and non-conformists; the former a servile train that adhered to the court, the latter a large majority who retired with Cunningham to Linlithgow, and with Lockhart to Haddington. When the term prescribed for their submission had elapsed, they were permitted to return, after a year's exile, upon an evasive acknowledgment, that the judicial proceedings of the court were not suspended by appeals, of which, however, they durst not disown the legality, without impugning the supreme authority of the estates. As their independence was perhaps unexampled in their profession, their sub-

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VII.

1674.

Acts of op-
pression.

mission, though accelerated by the defection of some, was a real triumph over injustice and oppression; and the right of appeal was established at the revolution, as a salutary control on the court of session⁶³.

To exclude the refractory advocates from seats, the convention of royal boroughs, an assembly annually held for the consideration of trade, was admonished by Charles to revive an obsolete regulation against the return of commissioners, not inhabitants of the boroughs, to serve in parliament. The answer of the convention, asserting the unrestrained rights of election, was condemned as seditious, and its members were imprisoned, displaced, and fined. The annual election of magistrates was prohibited at Edinburgh. Twelve of its chief magistrates were declared incapable of public trust, as not sufficiently submissive to Ramsay their provost, a bankrupt trader, whom Lauderdale had created a lord of session, in return for seventeen thousand pounds extorted as gifts from the town. Ten gentlemen and two peers, the opponents of Lauderdale, were dispossessed of their houses, which were converted into garrisons for the suppression of conventicles; and Sir Patrick Hume, who had ventured to implore the protection of the laws, was imprisoned and disqualified from public trust. Lord Cardross,

⁶³ Crawford, MS. Kirkton. Ralph, i. 268.

whose house had been invaded by night, his lady insulted, and his chaplain illegally seized by the military, was imprisoned and fined with his lady in a thousand pounds, because the neighbouring peasants had rescued his chaplain. On the surmise of some correspondence of the disaffected with Holland, Drummond the general, an officer of distinguished merit, and a noted royalist, was suspected and confined for a twelvemonth in Dumbarton castle⁶⁴. Such acts of oppression past in silence, as parts of Lauderdale's ordinary administration; but the punishment of Baillie of Jerviswood, excited more open discontent. Carstairs, a spy employed by Sharp to frequent and discover conventicles, had inveigled Kirkton, a clergyman, to his lodgings, and, under the pretext of a warrant from the privy council, endeavoured to extort money for his release. Baillie, his brother-in-law, on discovering his situation, burst open the doors, and delivered him by force. A warrant, however, for his arrest, antedated by Sharp, was subscribed by nine counsellors, and delivered to Carstairs; and upon this judicial forgery, Baillie was convicted of a state offence, amerced in five hundred pounds, and imprisoned for a year. On the representation of Lord Hatton, the Duke of Hamilton, and the Earls of Morton,

1676.

⁶⁴ Crawford's Hist. MS. ii. 126. Somers' Tracts, vii. 195. Wodrow, i. 384—93, 4—7. 443. App. 149. Burnet, ii. 111—18—56.

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VII.

1676.

A severer
persecu-
tion.

Dumfries, Kincardine, Lords Cochran and Primrose, who had all opposed this iniquitous sentence, were removed from the council⁶⁵.

During the late opposition to Lauderdale, Argyle and Dalrymple were received into favour to regain the popular support of the presbyterians, and as an earnest of future indulgence, the clergy were permitted to return, and even to preach in the capital⁶⁶. Such lenient treatment, had it been invariably observed, would have soon reconciled the people to government, and the sect itself might have disappeared under silent contempt. But we must observe, that the imperious disposition of Lauderdale was stimulated by the clamorous rage of the prelates on the one hand, whose outcries were incessant that the church was in danger, and on the other, by the jealous and incurable apprehensions of the sovereign, that the presbyterians were a disaffected party ever ready to revolt. It was from these causes that when all opposition to Lauderdale was surmounted, a more severe and unremitted persecution was kindled; productive of silence, but not of tranquillity or submission to the state. Field and armed conventicles continued to multiply, in proportion as the severities of government increased. As the offenders declined to

⁶⁵ Id. Kirkton, MS. 93.

⁶⁶ Burnet, ii. 108. Crawford, MS.

appear in council, and confess their guilt, *letters of intercommuning* were revived and published; an obsolete writ by which the absent were outlawed, and whatsoever persons intercommuned with them then, whether to fulfil the duties of relatives, or to administer the common offices of humanity, were liable to the same punishment as if equally involved in the same offence. In a single writ, above ninety clergymen, gentlemen, and even ladies of distinction, were interdicted from the common intercourse of social life; and as all who received them, or supplied them with sustenance, intelligence, or relief, who conversed or held communication with them, were equally criminal, their very presence became dangerous, and the contagious effects of their guilt were diffused and multiplied like a pestilential disease. At a moderate computation, seventeen thousand persons of either sex, and of every description and rank in life, were already harassed and oppressed in the west, for attendance on conventicles, or for their absence from church. Numbers, outlawed or terrified at such indefinite proscriptions, deserted their abodes, and acquired the fierce and savage habits of a vagrant life⁶⁷.

⁶⁷ Wodrow, i. 392. 416—18. App. 166. Burnet, ii. 156—83. Letters of intercommuning, similar to the *Aquæ et ignis interdictio* of the Roman law, concluded thus: "We command and charge all our lieges and subjects, that none presume to reset, (receive,) supply, or intercommune with any of the

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1676.

Conventicles, in consequence of their dispersion, became more widely diffused through the southern counties, from the borders of England to Perth and Lennox, beyond the friths; and were held in morasses, woods, or on the summits of mountains, to prevent surprise. From the vicinity and from the frequent assaults of the garrisons, the concourse of people became more numerous, and better armed and mounted for mutual defence. The conventicles assumed a more formidable appearance, and were protected by regular patrols and guards of horse, till the people had dispersed. The ministers who rejoiced in the multitude of their audience, and the people who were delighted with the romantic and meritorious dangers of the sabbath, preferred the fields to the shelter of houses or the sanctity of churches; and while they braved or eluded, or suffered, the united rage of the military and of the laws, they imagined that the gospel was far more efficacious and successful, when preached in the wilderness. During six years, their contests with the military were frequent and bloody, but not always successful. A price was fixed on the field preachers, foresaid our rebels, nor furnish them with meat, drink, house, harbour, or victuals; nor any other thing useful or comfortable to them; nor have any intelligence with them by word, writing, message, or otherwise, under the pain of being reputed and esteemed art and part with them in the crime foresaid, and to be pursued therefore with all rigour."

whom the soldiers daily pursued *like a partridge on the hills*. The Bass, a steep rock in the mouth of the Forth, was converted into a fortress or state prison, where they pined for years, in want and misery, neglected and forgotten. The people intercepted on their return from conventicles, were delivered up as recruits for the service of France⁶⁸. In this desperate situation of the country, a severe example was chosen to intimidate, or rather to exasperate the people by a perfidious violation of honour, justice, and of the public faith.

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VII.
1677.

Archbishop Sharp had observed a person who eyed him attentively, and imagined that he beheld the features of the assassin who had attempted his life. When arrested, he proved to be Mitchel, a fanatical preacher; a loaded pistol was found in his custody to confirm the suspicion; but no proof appeared of his actual guilt. To discover his confederates, and the extent of the danger, a solemn promise was made by Sharp to procure a pardon if he would confess the fact. On the most solemn assurance of life, confirmed by the chancellor, commissioner, and privy council, he acknowledged the attempt to assassinate the primate; but instead of numerous associates, or a regular conspiracy, none but a single person then

1678.
January.
Mitchel's
trial,

⁶⁸ Burnet, ii. 167. Kirkton. Ralph, i. 315. Wodrow, i. 427—32—41.

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VII.

1678.

dead, was privy to the design. Disappointed and mortified at such a slight discovery, the perfidious council proceeded to determine what punishment less than death might be inflicted on the crime. The court of justiciary was secretly instructed to pronounce a sentence for the amputation of his hand; but when he was produced at the bar, to renew his confession, the whisper of a judge in passing, admonished him to acknowledge nothing, unless his limbs were secured, as well as his life. The torture was next applied under the false pretext of extorting a confession of his concern in the insurrection of Pentland; and after enduring the question till he fainted under the repeated strokes of the executioner, he remained for four years in fetters, forgotten in the solitary confinement of the Bass⁶⁹. On the return of Lauderdale, his trial was now resumed at the instigation of Sharp. Nisbet, the king's advocate, was displaced for Mackenzie, who, as counsel for Mitchel in the former trial, could not be ignorant of the promise to preserve his life, yet preferred an indictment against him for a capital crime. Primrose, who had been removed from the lucrative office of clerk register, to be

⁶⁹ Wodrow, i. 375. 511. Burnet, ii. 176. At first it was proposed in council to cut off both his hands, but this was prevented, not from humanity, but by a jest of Rothes, too gross to be transcribed. Id.

justice general⁷⁰, transmitted privately to his advocates a copy of the act of council in which the assurance was contained. His former extrajudicial confession, the only evidence of his attempt to assassinate a prelate and a privy counsellor, was attested by Sharp the primate, Rothes the chancellor, Lauderdale high commissioner, and Hatton a lord of the treasury and session, who, in their zeal to convict the prisoner, did not scruple to declare upon oath, that no assurance whatsoever had been given, for the preservation of his life. The copy of the act of council was produced. The books of council, deposited in the adjoining chamber, were demanded as evidence for the prisoner, since his extrajudicial confession before the same judicature, had been admitted as proof. But the Duke of Lauderdale, who, as a witness, was not entitled to speak, interrupted the court in a strain of imperious authority, declared that the books of council contained the secrets of the king, which no court should be permitted to examine; and as he affirmed that the four counsellors came not there to be accused of perjury, it was im-

⁷⁰ Nisbet was removed, because he was rich, and had refused a sum of money to the Duchess of Lauderdale; Primrose, because the clerk register's was a lucrative place. It was given nominally to another, but the profits were seized by the rapacious duchess, and Primrose was made justice general to stop his mouth. Kirkton, MS. 96, 7.

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mediately understood that they were all forsworn. The court, intimidated perhaps by his threats, determined, by an obsequious majority, that it was too late to apply for production of the record, of which an authenticated copy had at the same time, been refused by the clerk. But it is observable, as a melancholy instance of the depravity or servility of the bench, that the justice general, who furnished a surreptitious copy, and had previously admonished Lauderdale of the existence of the act, possessed neither virtue nor fortitude sufficient to attest the fact, as a witness or as a judge, but pronounced sentence of death, upon a man whom his evidence ought to have preserved⁷¹.

and execu-
tion.
Jan. 18.

Before the jury had returned a verdict, the four lords, as soon as the court had adjourned, examined the books of the privy council, where the evidence of their perjury was recorded, and where it is still preserved, to their eternal reproach. Their conduct sufficiently evinces the persuasion under which they acted, that there was no record of their assurance to Mitchel; and they still affected to believe, that nothing more was intended than a promise to intercede with the king for his life. The blame was transferred from the chancellor who subscribed, to the clerk who inserted the assurance in their minutes; the latter discovered that the act of

⁷¹ State Trials, ii. 627.

council was framed by Nisbet, from whom they proposed to levy a severe fine; but the latter procured nine privy counsellors who offered to swear, and Lord Hatton's letters were produced to prove, that a full assurance of life had been approved and confirmed by the privy council, when engrossed in its books. Lauderdale was at length inclined to grant a respite till the king was consulted; but the primate was inexorable. He urged, that the example was absolutely necessary to preserve his life from assassins, to which Lauderdale assented with a profane and inhuman jest⁷². The fanaticism of Mitchel was, undoubtedly, of the most daring and atrocious nature; but the guilt of that fanatic is lost in the complicated perfidy, cruelty, perjury, and revenge which accomplished his death. It was the ardent desire of ministers to involve the whole body of presbyterians in his guilt; but in the prosecution of this object, they incurred the just imputation of more detestable crimes. Horror and universal execration were excited by the treachery and almost unexampled perjuries of the first ministers in the church and in the state; and the precautions employed by Sharp for his safety and revenge, contributed two years afterwards to his disastrous fate.

⁷² "Nay, then, let him glorify God in the Grass-market;" the place of execution. Burnet, ii. 80. Wodrow, i. 375. 514.

THE
HISTORY
OF
SCOTLAND.

BOOK VIII.

Introduction of the Highlanders, and their severities in the West.—Murder of Sharp.—Insurrection of Bothwell Bridge.—Suppressed by Monmouth.—Duke of York's Administration.—Act of Succession, and the Test.—Argyle's Trial and Escape.—Ryehouse Plot.—Prostitution of Justice, Executions, Extortions, Murders in the Fields.—Death and Character of Charles II.

BOOK
VIII.
1678.
Pretext for
a standing
army.

ON the marriage of the Prince of Orange with the Princess Mary, eldest daughter of the Duke of York, an alliance was hastily concluded with Holland, in consequence of a transient disgust at the French court. A large army was appointed to be raised, and the king, if supported by the English parliament, was apparently determin-

ed to consult for once the inclination of the people, and the interest of the rest of Europe, by a war with France. But the popular party were alarmed at an army of twenty thousand men, suddenly raised within six weeks: they apprehended that the military force with which they had intrusted the court, was intended, not to prosecute the war abroad, but to subvert their religion and their liberties at home. From late discoveries, it appears indisputable, that their apprehensions were just. The Duke of York, who considered his religion as otherwise lost, had resumed the design of procuring a large army, which he expected to command in person, and by reducing the kingdom to subjection, proposed to render his brother absolute, and to secure his own precarious succession to the throne¹. The execution of this desperate design was prevented by the combination of the popular leaders with the court of France; and the army, which was equally formidable to both, was dissolved by a secret treaty, or money transaction, between the latter and Charles.

¹ Sir John Dalrymple's Memoirs, vol. i. p. 165—83—9. oct. edit. "The Duke of York (says Barillon) believes himself lost as to his religion, if the present opportunity does not serve to bring England into subjection; it is a very bold enterprise, and the success very doubtful. The king still wavers upon carrying things to extremity; his humour is very repugnant to the design of changing the government. He is, nevertheless, drawn along by the Duke of York and the high treasurer." Id. 194.

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VIII.

1678.

Sought in
Scotland.

From the coincidence of events, there is every reason to believe that the pretext which the league with Holland afforded, to procure an army, had been sought in the measures purposely employed in Scotland, to excite a revolt². Throughout the western counties, the landlords were required to enter into bonds, under the same penalties which the delinquents incurred; that neither their families, domestics, tenants, nor the servants of their tenants, or others residing upon their property, should withdraw from public worship; or adhere to conventicles; or succour field preachers and persons intercommuned. Their wives and children had frequented conventicles, from which they had themselves abstained; but they declined the bonds as illegal, and refused to become responsible for their tenants, or for their servants, whom it was impossible to restrain. At the same time, they acknowledged the in-

² Wodrow's information coincides with Barillon's; that he was informed by a person in whom he placed entire credit, and who was then (1679) at court, that it was concerted in the cabinet council, that all measures should be taken to exasperate the Scottish fanatics to some broil or other, that there might be a pretence to keep up the standing forces; that Lauderdale was written to, and made acquainted with the design, and when he came to court, towards the end of October, the project of bringing down the highlanders was brought to a bearing; i. 454. Add to this, that the introduction of the highland host, as it was termed, was by the express orders of the king. Id. 458.

crease of conventicles to a scandalous excess, and offered to assist and protect the officers of justice in the execution of the laws. As the people dispersed, however, when the sermon was finished, without disturbance to the public peace, they recommended an unlimited indulgence, as the most efficacious method to reclaim them, and the only expedient to dissolve their conventicles; a proof that the proper remedy for the disorders of the times, though rejected by an outrageous government, was sufficiently understood³.

No sooner were the bonds of peace refused, than the design to obtain a pretext for a standing army was manifest, and the western counties were represented and treated by Lauderdale, as in a state of actual revolt. English troops were appointed by Charles to march to the borders, and the Irish forces to the opposite coasts. Six thousand lawless highlanders were invited from their mountains; and a previous indemnity was granted to encourage every excess. The guards and militia were dispatched with a train of artillery, and by the express injunctions of Charles, an hostile army of ten thousand men was introduced to suppress the insurrection of a country in profound repose. As there was plunder every where, but no enemy to be found, the highlanders overspread the devoted country;

Highland
host intro-
duced into
the west.
Jan. 25.

³ Wodrow, 451—7. Burnet, ii. 183.

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1678.

and their depredations, instead of being restrained, were abetted and shared by their rapacious chiefs. The western counties were the most industrious and populous; the people the most religious, if not the most civilized, were abandoned to a part of the nation the most indigent and barbarous; of an unknown language, and ferocious manners; instigated by hereditary prejudices, and addicted to habitual revenge and rapine. The country, oppressed and ravaged like a conquered province, was filled with extortions, depredations, robberies, and more atrocious crimes. Neither age nor sex was exempt from outrage, and torture was freely employed to extort a confession of hidden wealth. The people were stripped and robbed even of their clothes and furniture, which appeared invaluable to a rude banditti; and the labours of the plough were suspended, and the horses seized to transport the spoil to their hills⁴.

General
lawburrows
issued.

A committee of council attended the army, to enforce the bonds. But the gentlemen, who observed that the subscribers suffered indiscriminately with themselves, persisted in their refusal, and were ignominiously disarmed, deprived of their swords and saddle horses, and subjected to a new species of legal persecution. An individual, by

⁴ Id. Wodrow, i. 467—96. Law's Diary, MS. Air alone lost 16,000*l.* sterling.

an application upon oath to a magistrate, might obtain a writ of *lawburrows* to oblige another, of whose violence he was apprehensive, to furnish security for his good behaviour; and thus a precaution used only against personal danger, was converted, by the most oppressive chicane, into an alternative for the bonds⁵. A general writ of *lawburrows* was issued, at the suit of the king, against a whole country, to find security, according to the terms of the bonds for preventing conventicles, under the penalty of double rents, and such other punishment as the council might inflict. Such as subscribed the bonds were required to dismiss their suspected tenants, whom, unless their conformity were attested by the curate, no landlord was permitted to receive on his estate. To suppress their complaints, and at the same time to prevent their escape, the unhappy sufferers were forbidden to approach the capital, or to depart from the kingdom; and the nobility and gentry were compelled, when inter-

⁵ “ And since every private subject may force such from whom they fear any harm to secure them by lawburrows, and that it hath been the uncontroverted and legal practice of his majesty’s privy council, to oblige such whose peaceableness they suspected, to secure the peace for themselves, wives, and bairns, &c. therefore the privy council, considering that his majesty has declared his just suspicion of such as refuse or delay to take the bonds, &c.” Wodrow, i. App. 182. See Sir G. Mackenzie, ii. 345.

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1678.

rogated by the council, to exculpate themselves by oath from a fictitious accusation of state crimes. Upon the premature report of an insurrection, Lauderdale and his friends were unable to dissemble their joy; nor could they conceal their dejection when the intelligence was disproved. That in these measures their design was to render the people desperate, and to impel them to rebellion, can admit of no dispute. But the people were impressed with the same opinion, that an insurrection was desired, and though unable to discover the motives, they were the more careful, by their patient sufferings, to disappoint the manifest expectation of the court⁶.

Complaints
of the nobility and
gentry.

Notwithstanding the prohibition to quit the kingdom, fourteen peers and fifty gentlemen, of whom the Duke of Hamilton had been threatened, and the Earls of Cassilis and Loudon, Lord Cochran, and others, had been charged with law-burrows, and denounced outlaws, repaired to court, and were joined in their complaints by the Earls of Athol and of Perth, two of the committee of council employed in the West⁷. As they had departed without permission, an audi-

⁶ Wodrow, i. 477—81. App. 179. Burnet, ii. 185.

⁷ Burnet, ii. 185. The invasion was disapproved of by many of Lauderdale's friends in council, not admitted to the secrets of the court.

ence was refused. But the invasion and sufferings of the western counties had excited universal execration ; and amidst the fervid debates of the English commons, the voice of two nations was too powerful to be resisted. Was this the spirit of government which was displayed in Scotland ? or were these the measures to be adopted in England when the dark designs of the court were mature for execution ? An address for the removal of Lauderdale was rejected ; but it was necessary to suspend his enormities, to recal the lawburrows and bonds, and to disband the army ; and the highlanders, after exacting free quarters, and wasting the country for three months, were dismissed to their hills with impunity and wealth. Hamilton and the chief nobility were heard in presence of the cabinet council ; and when taxed by the king with disobedience to his proclamations, in repairing to court, their only answer was a recital of their unmerited sufferings and their neglected complaints. In the midst of profound tranquillity, when not a shadow nor surmise of insurrection existed, to let one part of the nation, and that the most barbarous, loose against the other ; to instigate the excesses of the one by a previous indemnity ; and to devote the other, like an hostile country, to indiscriminate ravage ; was without example in a civilized state. Lauderdale, who remained in Scotland, secure of impunity, was vindicated by Danby and by the

May 25.

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VIII.

1678.

Rejected
by Charles.

Duke of York. Field conventicles had been styled in the late acts, the rendezvous of rebellion ; and from this rhetorical expression, it was inferred, that wherever conventicles prevailed, the country was in a state of actual insurrection and revolt. Free quarters for a few days, were of little estimation, when the lives and fortunes of the people were proffered by parliament for his majesty's support ; the bonds were tendered, not enforced, as an exemption from free quarters ; and where the king was apprehensive of danger from his own subjects, the writ of law-burrows was a just and necessary alternative for the bonds. The miserable apologies to which tyranny must resort, dishonour and degrade the tongue that utters, and the understanding that receives them. The Scottish nobility at first imagined, that their sovereign was touched with pity and compunction at their wrongs. But when he required their complaints to be produced in writing, they demanded a previous indemnity, which he refused to grant ; and his refusal sufficiently revealed the insidious design, to bring them to trial, and to convict them of leasing-making, for preferring an accusation against the privy council. Unwilling to disown a minister, who had exceeded perhaps in the execution of his express commands, he declared, that he was well assured of an insurrection having been intended in Scotland, but it should be his care

that the actors should suffer; and next day, in a letter which certainly cannot be ascribed to Lauderdale, he bestowed a full approbation upon the measures of the privy council, against the iniquity of whose administration the nobility durst not subscribe their just complaints^s.

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VIII.

1678.

Convention
of estates.

The absence of his opponents was seized by Lauderdale, as an opportune moment to summon a convention of estates. The nobility who remained at home, were seduced by bribes. The elections were secured, or were afterwards decided by his influence, and before the return of his adversaries, the opposition so formidable in the late parliament, was surmounted or quelled. The monthly assessments of six thousand pounds, introduced by Cromwell, were retained, and are still observed as the rate at which the land-tax is imposed. Five monthly assessments, or thirty thousand pounds a-year, were granted for five years, to support additional troops for the suppression of conventicles; and the most unqualified approbation was bestowed upon Lauderdale's administration, in a letter to the king. Such base and abject servility, after the late popular complaints, exposed the country to deserved contempt; but an assessment expressly granted to suppress those seminaries of rebellion which were held in the fields, was productive of a doubt, and

^s Burnet, 187. Wodrow, i. 501—9.

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VIII.
1678.

at length of a division among the presbyterians ; whether, in order that they might themselves avoid persecution, it were lawful or not to contribute taxes for the persecution of those who frequented conventicles⁹.

Causes of
an insur-
rection.

1679.

According to some historians, it was the king's intention to introduce a milder administration under the Duke of Monmouth, (who had married the heiress, and had obtained the titles and estate of Buccleugh in Scotland,) when the alarm of the popish plot intervened. The tyranny actually endured in the one kingdom, was the more deeply apprehended in the other ; and as the nobility and clergy, whose complaints the king disregarded, had acquired the friendship of the popular leaders in the English parliament¹⁰, an insurrection has been too hastily ascribed to their correspondence and combination to renew the events of the preceding reign. A memorable speech of the Earl of Shaftesbury's, that popery was intended to introduce slavery into England, but that slavery was the harbinger of popery in Scotland, was transmitted to Edinburgh, and eight thousand fanatical Scots are

March 25.

⁹ Wodrow, i. 528. Burnet, i. 588. Kirkton. MS. 99.

¹⁰ "Some of our lords and gentry made acquaintance with the English dissenters, which stuck to them while they lived." Kirkton. Such is the only evidence I have found, in Scottish historians, of a correspondence with the English.

represented as starting to arms as at the sound of a trumpet¹¹. The Scots were undoubtedly encouraged by the impeachment of Danby, by the vigorous opposition in England to the Duke of York, and by the attempts to limit or to exclude his succession to the throne. But as no trace exists of their correspondence with the popular leaders in England, so the marvellous operation of a distant speech diffused by the pen, is refuted by an intermediate series of domestic events. The cruel and iniquitous prosecution of the popish plot, had inflamed the court party with revenge, and the covenanters with the obstinate fury of despair. The highlanders were removed, but they were replaced with five thousand additional troops. The western and southern shires were filled with garrisons in private houses; or with troops permitted to range at large in quest of conventicles, and indemnified for every violence committed in the search or pursuit. Additional judges were commissioned in each county, with the most rigorous instructions to enforce the laws, and with the most unlimited and despotical powers in ecclesiastical affairs; and their diligence and injustice were equally instigated by permission to appropriate a moiety of the fines to themselves. The worst tyranny is a despotism under the disguise of the laws. On the

¹¹ See NOTE III.

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slightest expression or suspicion of discontent, the opponents of Lauderdale were accused and convicted of propagating sedition, and imprisoned and fined by the privy council; and, under the accumulated oppressions of government, men began to grow weary of their country, and even of their lives. In the furious administration of Lauderdale, it is in vain to search for the remote and latent causes of public events, or to reduce them under any common arrangement or description of crimes. Every new severity was productive of additional discontent, which fresh severities were employed to exasperate and to repress; nor is a different principle to be discovered in the government of Scotland, during the reigns of Charles and of his brother James. As the vindictive rigour and resentment of government were at once the cause and effect of the public discontent, each year, and, with a single, transient exception, every administration was worse than the preceding. Persecution and fanaticism continued mutually to exasperate and to augment each other, but it is the nature of persecution to vitiate the human heart, and to debase and contaminate the national character wheresoever it prevails. The unhappy victims whom it reduces to despair, become vindictive, cruel, and unrelenting as their persecutors; and if inferior in open force, more insidious in their revenge. The covenanters had already begun

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to retaliate on the military, of whom some were murdered at night in their quarters, when an event which threatened to revive the practices of the ancient Scots, impelled each party to the most desperate extremes¹².

Under the jurisdiction and influence of the primate, Carmichael, one of the commissioners appointed to exterminate conventicles, was peculiarly noted for his cruelties in Fife. Among other enormities, if we may believe his enemies, he was accustomed to beat and abuse the women and children, and to torture the servants with lighted matches, that they might be compelled to reveal where their husbands, or their fathers, or their masters were concealed. Nine of these unhappy fugitives, who wandered in small parties, intercommunicated and interdicted from society, determined to intercept and to chastise Carmichael, if not to avenge their wrongs upon his life. They were about to separate, after an ineffectual search, when they were informed of the approach of the Archbishop of St. Andrews. As he was slightly attended, the opportunity was embraced as a divine call, and the temptation to perpetrate a detestable deed was interpreted a special dispensation from heaven. They pursued and overtook his coach upon Magus-Moor, within

Murder of
Sharp.
May 3.

¹² Wodrow's MS. Collections, vol. 43. 4to. Hist. ii. 9. 27. Burnet, ii. 182.

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a few miles of St. Andrews; dismounted his attendants, and as their shots proved ineffectual, they dragged the archbishop from the arms of his daughter. His offers and entreaties for life were unavailing. They protested that they were actuated by no motives of personal revenge; reproached him with his perjury in Mitchel's trial; admonished him of the blood of the saints, in which his hands had been so deeply embrued, and, amidst the shrieks and struggles of his daughter to save him, they left his dead body in the highway, transfixed, and covered with the most barbarous wounds¹³.

His character.

From the first beginning of the reformation in Scotland, Sharp was the third Archbishop of St. Andrews who had suffered from popular or from private revenge. The assassination of Cardinal Beaton, was a crime congenial to the manners of the nation and to the vices of the age. The execution of Archbishop Hamilton was sanctioned by the forms of a legal attainder: but the murder of Sharp was regarded even by his enemies as an inhuman act, that rescued his memory from some share of the detestation which he had incurred when alive¹⁴. That he was decent, if not regular in his deportment, endued with the most industrious diligence, and not

¹³ Wodrow's MS. vol. iv. 8vo. Hist. ii. 30. Sharp's Life.

¹⁴ Burnet, ii. 266. Crawford's MS. Hist. ii. 143.

illiterate, was never disputed; that he was vain, vindictive, perfidious, at once haughty and servile, rapacious and cruel, his friends have never attempted to disown. His apostacy was never forgiven by the presbyterians; but instead of disarming their resentment by moderation, he became an unrelenting persecutor, actuated like most apostates, by a hatred to the sect which he had deserted and betrayed¹⁵. Indifferent to the doctrines of his former party, and therefore the more feelingly alive to their reproaches, he appears, under the mask of religious zeal, to have uniformly consulted and gratified his private revenge. His death was acceptable to none but the wilder fanatics, who discovered, in a crime of which they durst not have previously approved, *the execution of righteous judgment by private men*.

The assassination of a prelate and privy counsellor, might be expected to excite a severe inquisition; but the government was inspired with the most frantic revenge. The people were prohibited the use or possession of arms; and in the proclamation to discover the assassins, the whole body of fanatics was implicated in the crime. Field and armed conventicles were declared to be treason. The people who attended were indirectly ordered to be put to the sword; and when

Insurrec-
tion in the
west.

¹⁵ *Omnis apostata suæ sectæ osor*, was applied also to Lauderdale.

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May 29.

June 1.

the military were employed to execute this sanguinary proclamation, it was not difficult to predict the insurrection that ensued. The conventicles which persecution alone had created, united into larger masses, and from the very means employed to suppress them, they acquired the formidable appearance of a regular army, and of a camp, to which none, except from the near vicinity, repaired unarmed. Parties continued during the week in arms, agitated by the murderers of Sharp, who had secretly joined them, and impelled by their preachers to something more than defence. A party of fourscore appeared at Rutherglen, on the anniversary of the restoration; they burnt the statutes and acts of council, restoring episcopacy, and proclaimed an unsubscribed declaration as their solemn testimony against the defection of the times. A prudent government might have dissembled the insult, or have deferred the punishment for a few days, till their zeal had subsided, and their conventicle was dispersed. A violent government is incapable either of reflection or of delay. Graham of Claverhouse, afterwards the celebrated Viscount Dundee, was instructed to seize, or on their resistance, to extirpate the rebels by the sword. Next Sunday he discovered and attacked their conventicle upon Loudoun hill. His dragoons were defeated with loss by a detachment of undisciplined peasants, and he

was almost intercepted himself by the gallant Cleland, who was afterwards killed at the Revolution, in the defence of Dunkeld. Elated perhaps with success, and afraid to disperse, or to return to their homes, they advanced to Glasgow, where they were at first repulsed; but while their numbers were still inconsiderable and easily dissipated, the town was evacuated, and the whole country was abandoned, as if to permit the insurrection to increase. The privy council, so vigilant and prompt to strike while the people were tranquil, recalled its forces to the capital when the people were unwarily betrayed into an insurrection; and amidst the most vigorous preparations throughout the rest of Scotland, a severe administration appeared to be solicitous only to justify and to enrich itself by the growing magnitude of the revolt¹⁶.

The insurrection, because it was naturally anticipated or predicted, has been represented as actually instigated by the popular leaders in the English parliament. From the measures pursued in Scotland, commotions, however accidental, were certainly not unexpected¹⁷; but the popular leaders had already been introduced into of-

The insur-
rection ac-
cidental.

¹⁶ Wodrow's MSS. vol. xliii. 4to. vol. iv. 8vo. Hist. ii. 44. App. 41. Crawford's MS. Hist. ii. 145.

¹⁷ Such seems to be the foundation of a passage in Algernon Sidney's Letters, p. 37; from which some have inferred

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fice; the opponents of Lauderdale, by whose means only they could actuate the covenanters, had returned to court, encouraged by a change of administration, to renew their complaints; no commanders nor officers were provided; no persons of rank or influence appeared in arms, and the insurgents were joined by none but the inter-communed, whom the government had reduced to a vagrant and persecuted life of despair. Hamilton and the Scottish lords humanely offered to dispel the insurrection without arms or the effusion of blood, if the sufferings of the people were alleviated, and their oppressors removed. Essex, Halifax, Sunderland, and Temple, endeavoured to procure the removal of Lauderdale; Russel and Shaftesbury, to introduce their friends into the administration of Scotland; but the king was inflexible, notwithstanding their urgent entreaties, and they concurred in his choice of a general in Monmouth, his favourite son. Military aid or assistance from England was opposed and prevented by Essex and Shaftesbury; apprehensive, as has since appeared, that a standing army might again be raised¹⁸; but the most ample powers were conferred upon Monmouth, to

that the insurrection was not accidental. See, however, p. 48 of his Letters, edit. 1772.

¹⁸ See in Dalrymple's Memoirs, i. 264, 314, Essex's Letter to the King.

negociate or to fight. Such instructions were the more alarming to Lauderdale, lest a rebellion ascribed to the violence of his government might be appeased by lenity, if time or an opportunity were given to reclaim the insurgents. When the council had adjourned, he demanded privately of the king if he intended to follow the footsteps of his father to the scaffold; represented that the commotions, if prolonged and encouraged by treaty, might soon extend to the two kingdoms; excused his silence in council, by the insinuation of a crafty favourite, "Were not your enemies at the board?" and persuaded Charles that his son, whom he did not scruple to entrust with arms, might connive with the insurgents, if permitted to negociate. The instructions were secretly altered into a positive injunction, which was to be opened in the field, not to treat with the rebels, but to attack them wherever they might be found¹⁹.

The militia and regular troops were collected at Edinburgh, before the arrival of Monmouth; and he advanced against the insurgents at the head of ten thousand men. The whigs, as the covenanters were denominated, remained at Bothwell bridge, in the neighbourhood of Hamilton, to dispute the passage of the Clyde. Their numbers never exceeded four thousand;

Suppression
by Mon-
mouth at
Bothwell
bridge.

¹⁹ Burnet, ii. 268. North's Examen. 81.

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and they were divided among themselves by religious disputes²⁰. The original insurgents proposed to condemn the indulgence from which they had separated; the moderate presbyterians refused to accede to the declaration at Rutherglen, or to renounce their allegiance; and the grounds of their recourse to arms were not yet adjusted when Monmouth appeared. The latter sent to negotiate with Monmouth, who according to his instructions, refused to treat; required them to surrender at discretion within an hour, and promised on their submission to intercede with the king. But the fanatics were neither prepared to fight, nor disposed to submit. The bridge was obstinately defended by Hackston of Rathillat, who, when his ammunition was expended, was ordered to retire to the main body, by Hamilton, a preacher who had assumed the command. Monmouth's forces were attacked neither while they passed the bridge, nor when they formed beyond it. On the first discharge of artillery, the covenanters were deserted by their ghostly commanders, and overthrown by the disorder produced among their undisciplined horse. Four hundred were killed in the field. A body of twelve hundred surrendered at discre-

²⁰ Wodrow's MS. vol. xliii. 8vo. Hist. ii. 55. Burnet, ii. 269. At first they were represented at eight, but were afterwards reduced to five thousand in the reports to the privy council.

tion, and were preserved from massacre by the humanity of Monmouth. Rejecting the advice of his officers to ravage the country, he dismissed the militia; enforced the discipline of his troops to prevent depredation; and when he departed with his prisoners, even the fanatics acknowledged that his clemency had preserved them from utter ruin. His humanity was less acceptable at court, where his mercy to rebels was afterwards censured by the Duke of York; and the king himself is accused, and apparently with truth, of an infamous declaration to Monmouth, that had he (Charles) been there, the government should not have had the trouble of prisoners²¹. The reception he met with was however affectionate; and he was decorated with the title of highness, as if a legitimate prince of the blood. His representations to Charles, that field-meetings had originated from the severities practised against house-conventicles, procured an indemnity and a limited indulgence, which were afterwards disappointed by the influence of Lauderdale, and by the disgrace which he had himself incurred.

In the meantime the Scottish lords had obtained an audience, and counsel was fully heard

Scottish
lords heard
against
Lauder-
dale,

²¹ Burnet, ii. 269, confirmed by Cuninghame, i. 44. and partly by Macpherson's Original Papers, i. 93. Wodrow's MSS. vol. iv. 8vo.

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on their complaints. But the principal charges were prejudged by Charles, who declared that it belonged to the crown to dispose of offices, therefore to incapacitate from public trust; to prevent conspiracies, therefore to imprison suspected persons; to suppress insurrections, therefore to raise and distribute troops at discretion, and to quarter or employ them as his exigencies required; nor in those particulars would he suffer his prerogative to be impeached or touched. A declaration the most extraordinary ever uttered perhaps by a limited monarch, was combated with a spirit honourable to the memory of Lockhart, who asserted that the places from which persons thus incapacitated had been arbitrarily excluded, were conferred by the free suffrage of the people, in their corporations or counties; and that his majesty's opinions respecting conspiracies and insurrections were inconsistent with the ends for which government was established. It appeared indisputable, that Lauderdale's government was rapacious, cruel, unjust, and perfidious; and that the introduction of a barbarous horde to live at free quarters on the country, in profound peace, was prohibited by the express laws and the constitution of the realm. Mackenzie was reduced to the wretched subterfuge, that as conventicles were figuratively styled in the laws the rendezvous of rebellion, the counties where these predominated were in a state of actual revolt. Essex

and Halifax declared, that the complaints were fully established; the former acknowledged that the Scots were entitled by their constitution, to greater freedom than the English themselves; but they were afraid to substitute Monmouth in the place of Lauderdale; and the king was not ashamed to absolve the administration which he was unable to vindicate. It was determined that nothing had been done by Lauderdale but what his majesty had commanded, and would uphold by his prerogative, which was above all law. In private he acknowledged that many detestable things had been done by Lauderdale against the Scots, but that nothing against his service had appeared; a sentiment not less dishonourable, than natural to a sovereign who, when he separates his own interest from that of the people, forgets that he creates an interest in opposition to the throne²².

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who is ac-
quitted by
the king.

When the triumph and the tyranny of Lauderdale were thus confirmed, the indulgence of house conventicles was of short duration, and the indemnity was converted into an amnesty for himself, and for the malversation of his friends. To the covenanters, the exception of the officers, the clergy, and the gentry, and of all who had con-

Oppres-
sions after
the iusur-
rection.

²² Wodrow's Hist. ii. 102—7. Burnet, ii. 264. Ralph, i. 465. See in State Tracts, Temp. Car.; and in Somers' Tracts, vii. 195. 200, the additional charges against Lauderdale.

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tributed to the insurrection, and neglected to surrender within two months, was rather an act of proscription than of grace. A severe inquisition was made; but the torture proved ineffectual, to discover the supposed correspondence with the disaffected in England. Kid and King, two fanatical preachers, were executed at Edinburgh while the indemnity was proclaimed. Five others, who were innocent of the death of the archbishop, were selected to expiate his murder at Magus-Moor. Twelve hundred persons were conducted from Bothwell, and confined in the Grey Friars' church-yard, where they remained for five months, uncovered and exposed to the inclemency of the season. The greater number were at length dismissed, on their bonds of peace. The more obstinate were shipped for the plantations, but the vessel was lost in the Orkneys, and from the inhumanity of the master, who refused to release the prisoners, two hundred perished in the wreck. But the government was gratified by an insurrection so long desired, and at present was more intent upon confiscation than on revenge. Claverhouse was permitted to avenge his defeat, by his rapacious cruelties; but the court of judicary performed a more lucrative circuit in the west. In every parish informations were taken or supplied by the curates. The gentry excepted from the indemnity, and their tenants, or others suspected of wealth, who had neglected to sur-

render, were indiscriminately accused of the murder of Sharp, of their share in the late insurrection, or their attendance on conventicles; and the innocent, unless they compounded in private, were remanded to prison till released on surety; the absent were attainted; and, during each succeeding circuit and year, forfeitures continued to multiply as a provision for the army, and as a source of emolument to the servants of the crown. Another lucrative oppression was discovered in an obsolete law, against such as failed to attend the standard or host of the king. The gentlemen of Fife and of the Lothians, were convicted in such numbers, by the justiciary court, that, for greater dispatch, the remaining shires were referred to the privy council; and by a refined iniquity the battle of Bothwell was almost equally ruinous to those who had been present from disaffection, or were absent through fear. But the clemency of the king was gratuitously extolled, because, in abetting the extortions of his ministers, he commuted an obsolete treason for the most exorbitant fines²³.

Ever since the fall and impeachment of Danby, Duke of York's arrival. the Duke of York had resided on the continent, till his unexpected appearance and influence at court, on the illness of his brother, reduced Monmouth to the same exile from which he himself

²³ Brand's Description of Orkney, 32. Wodrow, ii. 70. 90.
Sir John Lawder, Lord Fountainhall's Decisions.

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had returned. The approach of a new parliament did not permit the duke to remain long in England; and in order to accomplish the removal of Lauderdale, the Earl of Tweeddale suggested, that there was no place so fit or so honourable as Scotland, for the reception of the presumptive heir to the crown. The cabinet determined that the duke should return from Brussels with his family, in order to reside in Scotland; and although he refused to concur in displacing Lauderdale, it was obvious that the administration there would devolve into his hands. During his first visit, he interfered but little in public affairs; discovered a preference for neither party; and by his condescending affability, studied to conciliate all ranks to his interests, and by his industrious application, to promote the service of the king. But his deportment was artificial, and his affable condescension, so remote from the haughty reserve of his character, was assumed, in order to establish his interest in Scotland, and when it should be fortified there as in Ireland, to support his right of succession by arms²⁴. He was recalled to court within three months, as soon as the English parliament was prorogued. On his departure he assured the privy council of his unalterable regard, and promised to acquaint the king, that in Scotland he had a brave and loyal

²⁴ Dalrymple's Memoirs, i. 276. 347—65.

nobility and gentry, a wise and regular council, judicatures filled with learned and upright judges; that the disaffected were not nearly so considerable as was represented in England; and that the Highland clans, from his endeavours to remove their animosities, were united and firmly attached to the throne. The privy council was not deficient in assurances of support, or in attestation to his worth; and if he had never returned to Scotland, it is probable that he would not have forfeited the esteem which the nation still entertained for the house of Stuart²⁵.

But a party now appeared among the presbyterians, prepared to renounce their allegiance to the crown. The origin of this new sect must be ascribed to the rigours of government; its extravagance, to the sufferings which the intercommuned had endured. When proscribed and driven from their abodes by government, they were pursued by the military like beasts of prey; and their fanaticism was daily exasperated and confirmed by their sufferings and their despair. While they roamed or lurked throughout the country, heated and mutually inflaming each other, with religious frenzy, their preachers began to consider their king as a tyrant, and to separate from the great body of the presbyterians,

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Origin of
the Camer-
onians.

²⁵ Macpherson's Orig. Pap. i. 96—8. 100. Burnet, 275. Wodrow, ii. 111—49.

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who, according as they enjoyed his protection, or acknowledged his authority, were involved in the iniquity or defection of the times. Cargill and Cameron, who had escaped from Bothwell, returned from the continent to their vagrant flock, which acquired from the latter the name of Cameronians; a designation still appropriated to a religious sect, and to a regiment of the line. A party appeared in arms at Sanquhar, where Cameron read and affixed to the market-cross a declaration; that although descended from the race of their ancient kings, Charles Stuart, by his perjuries in the breach of his covenanted vows, by his tyrannical government, and by his usurpation over their civil and religious liberties, had dissolved their allegiance, and forfeited all right and title to the crown. They were surprised at Airdsmoss in the district of Kyle. Cameron and his brother, fighting back to back, obtained by their gallantry an honourable death. Hackston of Rathillet, and fifteen horsemen, were taken prisoners; but the foot, a despicable band of forty peasants, retired into the morass from the pursuit of the guards. Cargill alone continued to preach in the fields. At a conventicle held in the Torwood, he pronounced a solemn excommunication against their persecutors, the Dukes of Lauderdale, Rothes, Monmouth, York, and the king himself; a sentence ludicrous at present, but at that time productive of a deep and inde-

lible impression upon the whole sect. While we pity or deride their extravagance, it is difficult to condemn them entirely for disowning a government under which they had enjoyed no reciprocal protection, but by which they were uniformly persecuted and proscribed²⁶.

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Executions.

The indignity done to the majesty, or rather to the name of king, was severely avenged. Cameron's head was inhumanly presented to his aged father, confined in prison; and was affixed to the city gates, together with his hands, in the mock attitude of prayer. Rathillet's sentence was first determined by the privy council, and was pronounced next day by the justiciary court. It appeared that he was present, without assisting, at the murder of Sharp; but there is reason to believe that he had previously endeavoured to dissuade his associates from the primate's death. Although reduced so low by his wounds that he was preserved from torture as unable to survive it, he suffered the amputation of his hands with indifference, and endured, with an enthusiastic fortitude, the utmost rigour of an atrocious punishment, which still continues to impeach the humanity of our laws and of the age. The other prisoners were executed to a man; their heads

²⁶ Wodrow, ii. 133—44. Captain Creighton, whose memoirs were compiled and published by Swift, commanded the military at Airdsmoss. He seems to have appropriated every story to himself that was current at the time.

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Duke of  
York's  
severe ad-  
ministra-  
tion.

exhibited a barbarous spectacle at the entrance of the city ; or, if stolen and interred by the piety of their friends, they were replaced by the heads of other prisoners taken with Cargill<sup>27</sup>.

How cruel or incredible soever these executions may appear, they were exceeded on the return of the Duke of York to Scotland. As if the guilty were insufficient to assuage the thirst of revenge, the innocent were artfully involved in their guilt. The privy council, availing itself of the frantic delusion which its own violence and oppression had created, intermixed its tortures with the most ensnaring questions: Was the death of Sharp murder? Was the rising at Bothwell rebellion? Is Charles a rightful king, or a tyrant whom it is lawful to dethrone or to deprive of life? The unhappy victims of rage and suspicion, too sincere, or from the violence of the torture unable to prevaricate, were dismissed from this severe inquisition to the court of justiciary ; and from the justiciary court to the place of execution. Among the first who suffered, for opinions not treasonable till they were extorted by the council, was a brother of the Laird of Skene, who was convicted on his answers to those interrogatories: but the punishment was afterwards extended even to helpless females, in the flower of their youth<sup>28</sup>. The wretched Cameronians,

<sup>27</sup> Id. 142. Cruickshank's Hist. ii. 68. Burnet, ii. 324. Fountainhall's Memoirs, MS. Adv. Library.

<sup>28</sup> Id. They were executed with some others for child mur-



who suffered death for their religious opinions, expired with such resolution, that when their lives were offered by the duke, if they would acknowledge his majesty, or even exclaim on the scaffold, God bless the king, the very women refused to forfeit the crown of martyrdom. The frenzy of these deluded creatures might have excited the compassion, but could never justify the resentment of government. Their punishment demonstrated the unextinguishable hatred and fury of the royalists, who believed that their former sufferings could never be avenged. From each example they perceived that the opinions were propagated which they attempted to suppress, and that the veneration for the covenant was cherished and increased by the dying breath, and by the blood of the numerous martyrs with which it was attested and sealed. But instead of remitting an unavailing punishment, they transferred the execution to an early hour, at a distance from the city, in order to avoid the multitudes, whom the sufferers never failed to convert by their death. It is said that the persecution was stopt by the duke, who committed the fanatics to hard labour in a house of correction. No example of the fact exists; on the contrary, executions for private opinion continued to multiply during the der. "I am but twenty," said one, with an affecting simplicity, "and am not come here for murder, for they can charge me with nothing but my judgment." Cloud of Witnesses.



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His cha-  
racter.

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whole of his administration and reign. It is asserted, by the same author, that he indulged, without emotion, in contemplating the torture of state prisoners, as a curious experiment, while other counsellors recoiled from the scene; and on one occasion it is certain that he assisted from choice, when Spreul was twice exposed to the question almost without intermission<sup>29</sup>.

His disposition was haughty, severe, and inflexible: and his natural severity, heightened by bigotry, was never mitigated by experience; for his character was better adapted to sustain adversity with patience, than prosperity with moderation. The mediocrity of his genius was imperfectly compensated by application to business. He introduced a strict economy into the revenues of Scotland, but was never able to comprehend the extensive, and reciprocal interests of the people and the throne. His sincerity appears the more estimable when compared with that of his brother; but he contemned, and without scruple perverted the impartial administration of justice; and his promises were sometimes infringed from bigotry, sometimes from the pernicious maxim of state necessity. On his return to Scotland, he forgot the moderation which he had observed in his former visit; and if he continued affable to the tories, as the royalists were now denominated, his mind, exasperated perhaps by a

<sup>29</sup> Burnet, ii. 324. 424. Wodrow, ii. 164. See Note IV.



ludicrous incident which I shall proceed to relate, appeared inexorable towards the fanatics, of whose support he despaired. Having engrossed the entire administration to himself, he formed a motley party, composed of Lauderdale's former opponents and friends; and impatient of an honourable exile, he dispatched his favourite Churchill to solicit his recall, which was still inexpedient, or permission to hold a parliament in Scotland, which it was impossible to refuse<sup>30</sup>.

The students at the university of Edinburgh, had engaged by an oath to burn the pope in effigy at Christmas. Notwithstanding the vigilance of the magistrates and the military, to prevent this juvenile insult to the duke's religion, they accomplished their purpose with much fortitude and address. The imprisonment of these youthful patriots was resented by the populace. The blue ribbon of the covenant<sup>31</sup> was revived by boys and apprentices, with an inscription against the pope; and the court party retorted by wearing red ribbons, with a device expressive of their abhorrence of fanaticism. Amidst these absurd disputes, the provost's house was burnt to the ground. The accident was ascribed to revenge, and although no discovery was made, the university was shut

University  
shut up.

<sup>30</sup> Fountainhall's Memoirs, MS.

<sup>31</sup> Hence a true blue whig, from the favourite colours of the covenant, adopted, it is said, from an injunction to the Jews (Numbers, xv. 38.) Fountainhall's Mem. MS.



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1681.

A parlia-  
ment.  
Aug. 13.Act of suc-  
cession.

up, and, for a time, the students were expelled from the town. These incidents convinced the discerning Churchill that the duke was unable, without the support of his brother, to maintain himself in Scotland, much less to assert his right of succession by arms<sup>32</sup>.

The parliament, which was intended in the one kingdom to strengthen, and in the other to secure his right of succession, was opened with magnificence: the crown was borne by Argyle, a distinction regarded as ominous to his family; and the office of chancellor becoming vacant on the death of Rothes, retained the chief nobility in dependence and suspense. An objection to the commission of the duke, as a papist incapacitated to represent his brother, was privately agitated; but Hamilton refused to embark in a dangerous opposition, unless a majority were previously secured<sup>33</sup>. On assurance of additional security for the protestant religion, an act was passed to assert the unalterable right of succession to the crown. From a fruitful principle, that the regal power was of divine origin, the parliament declared that no difference of religion could alter, that no statute or law could suspend, the lineal order of succession to the crown; and that it was treason either to attempt an innovation, or to pro-

<sup>32</sup> Dalrymple's Mem. i. 365.

<sup>33</sup> Burnet, ii. 325. Fountainhall's Mem. MS.



pose limitations on the future administration of the presumptive heir. When we peruse the act, and consider how soon the crown was afterwards forfeited; when we contemplate how frequently and happily the lineal succession has been since inverted, we must smile with contempt at the extreme fragility of political laws, and at the anxious precaution with which the most violent of them are framed only to be disregarded and ultimately broken.

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The decline of Lauderdale's credit exposed Lord Hatton, his brother, to detection and disgrace. He was accused of perjury on Mitchell's trial; his letters were produced; and the infamy of the fact was proclaimed in parliament, but the inquiry was suppressed. Lord Bargeny, a kinsman of the Duke of Hamilton, who was imprisoned as accessory to the insurrection at Bothwell, had been twice produced at the bar, and accused of treason; but although the day was frequently appointed, his trial was deferred. When restored to liberty, he discovered by diligent investigation, that two prisoners, taken at Bothwell, had been suborned by Hatton, by the Earl of Murray, and Sir John Dalrymple, to give false evidence against his life. Their depositions, in which the Duke of Hamilton was also implicated, were prepared beforehand: they were promised a share of the confiscated estates, but whenever the trial approached, their consci-

Complaints  
against  
Hatton.



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~~~~~  
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ence revolted against the crime³⁴. Bargeny's evidence was ready to be produced. Perjury and subornation, charged in open parliament against a supreme judge and an officer of state, demanded public investigation, a condign punishment, or the most ample retribution; but the Duke of York interposed, to prevent inquiry; though not displeased that Lauderdale and his brother were exposed to public infamy, he was satisfied that they should both remain at the mercy of the crown³⁵.

Test.

The act of succession had passed upon the promise of the two brothers to grant every security for the protestant faith which the parliament should require; but the performance of this public and solemn assurance does no credit to the sincerity of James. When demanded so loudly that it could no longer be withheld, the security of the protestant religion was insidiously converted into a test of passive obedience, for the security of the throne. A declaration from persons in office, of their adherence to the protestant re-

³⁴ Burnet, ii. 325. Wodrow, ii. 125. Cuningham of Mongrennan's Declaration (subjoined to the Original Papers on the Scotch Plot, 1704); a curious picture of the corruption of the times. He was suborned with his servant; but as he failed to merit a pardon by perjury, he was convicted two years afterwards of the insurrection at Bothwell. Wodrow, ii. 292.

³⁵ Fountainhall's Dec. i. 150.

ligion, was at first proposed. The court party subjoined a recognition of the supremacy, a disavowal of the covenant, and an obligation never to assemble in order to deliberate upon civil or ecclesiastical affairs, without the permission of the king; never to rise in arms without his authority, nor otherwise to endeavour an alteration of government in church or state. The oath was to be received under the penalty of confiscation, and to be sworn according to its literal acceptance, by all persons in civil, military, or ecclesiastical offices; the king's legitimate brothers or sons excepted: and as the test was meant to incapacitate the presbyterians from public functions, it was extended to the whole body of electors, and of members elected to serve in parliament³⁶.

Such a violent invasion of their privileges excited fierce debates. The presbyterians would have dispensed with the security of religion to avoid a test, which the duke urged as a political engine, and which the bishops regarded as a salutary expedient for the preservation of their order, against the danger to be apprehended from a presbyterian parliament. Lord Belhaven observed that, how secure soever from the effects of innovations which they themselves might attempt, they had no provision to preserve their reli-

Opposed
with vio-
lence.

³⁵ Fountainhall's Memoirs, MS. Burnet, ii. 329.

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gion against a popish or fanatical successor ; but the words were no sooner uttered than he was sent to the castle. Argyle, with more moderation, deplored the frequency of religious oaths, but opposed the exemption of the royal family, as a permission, if not an encouragement, for men to depart from the national church. If an exemption were to be made, he proposed that it should be expressly confined to the duke ; but when the latter rose to resist the motion, Argyle concluded with declaring, that the exception was pernicious to the protestant faith ; and notwithstanding a previous intimation which he had given, that he would oppose whatsoever was adverse to religion, his words were observed to produce a deep and indelible impression upon James. But the opposition to the test was ineffectual, nor was a delay admitted for a single night. As it was difficult to ascertain, or to define with accuracy, what was the precise standard of the protestant religion, Dalrymple, the president, suggested as the rule of faith, the earliest confession of the first reformers, framed to expose the errors of popery, and to justify their resistance to the queen regent ; and ratified by the first parliament of James VI. when Mary was compelled to resign her crown. It was artfully proposed as irreconcilable to the test, and had been so long superseded by the Westminster confession, that its contents were unknown to the illiterate prelates ; and

were adopted without being understood or even read. Accordingly the test was framed, and approved by a majority of seven votes. It appeared when examined, to be a mass of the most absurd contradictions. A long inconsistent oath was prescribed ; to adhere, according to this obsolete confession, to the protestant faith, yet by the recognition of supremacy, to conform to whatsoever religion the king might appoint ; to maintain the former presbyterian discipline, yet to attempt no alteration in the present episcopal form of the church ; to abjure the doctrines, and to renounce the right of resistance, but at the same time, as a religious duty incumbent by the confession upon good subjects, to repress the tyranny and to resist the oppression of kings. No sincere presbyterian could subscribe the oath. None of the episcopal persuasion could assent conscientiously to the confession of faith. A papist could accept of neither. But when both were conjoined, and when every explication different from the literal sense was disavowed, it was impossible, without perjury, either to receive the test, or to reconcile the contradictory terms in which it was framed³⁷.

The parliament concluded with little credit to

³⁷ Burnet, 331. Fountainhall's Mem. MS. Dec. i. 149. Wodrow, ii. 195. Argyle's Case, p. 3. written by Sir James Stewart.

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Explana-
tions of the
test.

the reputation of James. Whatever were his moral or his private qualities, it was observed that he inherited all the obstinacy, and the same species of political insincerity, which his father had possessed; but that in the management of parliament, he discovered little capacity for the nice conduct of public affairs³⁸. To evade the promise of an additional security for the protestant faith, he deceived and endeavoured to entangle the presbyterians in an ensnaring test. From his own violence, he was over-reached by Dalrymple, and the oath intended to exclude the presbyterians, was rendered adverse and equally irreconcilable to every religious persuasion and sect. A test contradicted throughout by the confession of faith, was expected to be abandoned; but the court party was inured to political oaths. The duke was determined not to forego the political advantages of a test from which he himself was relieved; a strange example both of the nature of persecution, and of his imperious character, in exacting from the presbyterians, an acknowledgment of the ecclesiastical supremacy of the crown, which his own religion disavowed, and forbade him to subscribe. But the established clergy were the first to dissent. To appease their scruples, an explanation prepared by Paterson, Bishop of Edinburgh, was approved

³⁸ Fountainhall's Dec. i. 157.

by the privy council; namely, that it was not meant to assent to every proposition, but to the fundamental articles only, of the confession of faith; and that the apostolical right of episcopacy was not disowned, nor an alteration of its legal establishment intended by the test. But the oath was to be received in its literal acceptation. Eighty clergymen, more conscientious and pious, resigned their livings, rather than subscribe either to the literal sense or to the explanation of the test. The presbyterians mostly declined the oath. The Earl of Queensberry subscribed it in council, with a courtly explanation, that the obligation not to attempt an alteration in church or state, implied no opposition to any alteration that might be introduced by the king³⁹.

The Earl of Argyle, when required by the duke to subscribe the test, was privately admonished by the Bishop of Edinburgh, not to ruin an ancient family, nor to augment the resentment which his opposition had kindled. In the late parliament, an attempt had been made, with the concurrence of the duke, to divest him of his family jurisdictions and estate. A special commission was next proposed, instead of the ordinary judicatures, in order to examine, or rather to resume the gift of his father's forfeiture: he was refused access to the king for protection; he was displaced with Sir James Dalrymple

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Argyle's
explanation:
tion:

³⁹ Wodrow, ii. 198. Argyle's Case.

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from the court of session ; and no doubt can remain of the duke's intention to ruin a potent nobleman, of whose unreserved and implicit support he despaired. Argyle, aware of the danger, would have resigned his employments ; but on obtaining the duke's approbation, he accepted the test as a privy counsellor, with this explanation : " That as the parliament never meant to
 " impose contradictory oaths, he took it as far
 " as consistent with itself, and the protestant faith ;
 " but that he meant not to bind or preclude himself in his station, in a lawful manner, from
 " wishing or endeavouring any alteration which
 " he thought of advantage to the church or state,
 " and not repugnant to the protestant religion,
 " and his loyalty ; and this he understood to be
 " a part of his oath." His explanation was graciously received. He resumed his seat on the duke's invitation, but declined to vote on the general explanation which the council pronounced that day upon the test. Next day he was required in council to renew the oath, as a commissioner of treasury, and when he referred to his former explanation, it was clamorously demanded. Alarmed at this eager importunity, he acknowledged, but refused to subscribe the explanation, and was immediately displaced from the council board. A few days afterwards he was enjoined to enter prisoner in the castle, and was accused of leasing-making, perjury, and

for which
he is ac-
cused.

treason; of depraving the laws, and assuming the legislative powers of the state⁴⁰.

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His trial.

No man could believe, that the ministerial cabal was so bold and flagitious, or that the duke himself was of such a ductile or tyrannical disposition, as to persist in a judicial trial, in order to deprive Argyle of his honours, his estate, and life. Nothing farther was at first apprehended, than a design to extort, by menaces, a more ample submission; the surrender of his jurisdictions, and a part of his estates. Eight advocates, who signed an opinion that the explanation was legal, were severely threatened; the assistance of Lockhart was thrice prohibited, and was only granted from an apprehension that Argyle, if deprived of the benefit of counsel, might refuse to plead. The iniquity of the whole trial is manifest; but it is proper, and often profitable in history, to investigate the minute particulars, and to record the infamy of each judge, as a warning to others, and as a wholesome example to future times. When Argyle was arraigned at the bar of the court of justiciary, his explanation of the test was perverted throughout. "That the parliament never meant to impose contradictory oaths," was converted by Sir George Mackenzie, the king's advocate, into a tacit, defamatory implication, that such contradictory oaths

Dec. 12.

⁴⁰ Wodrow, 3. 7. &c. Burnet, ii. 335.

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were actually imposed by authority of parliament: “That he took the oath as far as it was consistent with itself and with the protestant faith,” implied, maliciously, that it was consistent with neither; “That he was not thereby precluded from endeavouring such alterations as he thought advantageous to the church or state,” absolved him treasonably, inasmuch as his majesty’s consent was omitted, from every obligation either to the church or to the state. “And that he understood this to be a part of his oath,” transferred the whole legislative power of the estates to himself. Upon such miserable comments as these, leasing-making, perjury, and treason, were deduced from a perversion of the most innocent words. The pleadings are extant, and the arguments of Lockhart reflect dishonour on the public accuser and infamy upon the court. He demonstrated to the secret conviction of the judges themselves, that the explanation, far from amounting to treason, was not even criminal; and that the particular expressions were of the most innocent import, necessary to disburden the conscience from perjury, and strictly legal. But the question had been already prejudged in council. The court was adjourned; but the judges continued sitting till midnight, in order to determine upon the *relevancy of the libel*, whether in point of law, the explanation of the test was sufficient to constitute those crimes which the in-

dictment contained. Collington, an old cavalier, and Harcarse, a just and learned judge, prolonged the deliberations on the indictment, and opposed its *relevancy*, which was supported by Newton and Forret, the former instruments of Lauderdale's corruption. Queensberry, who presided as justice general, had himself received the test with an explanation of his own; and in this delicate situation, when the judges were equally divided on the question, his private conviction was sufficiently attested by his refusal to give a decisive vote, or to forfeit the preferment and favour of court by the acquittal of Argyle. To relieve him from this disgraceful dilemma, Nairn, a superannuated judge, whose attendance had been long dispensed with, was roused at midnight from his bed; and the proceedings were read over, as he had not heard the debate; but he dropped asleep till awakened for his vote. The interlocutor was pronounced the next day, in the strict forms of unsubstantial justice; "Sustaining the charges as relevant, repelling the legal defences against treason and leasing-making, and remitting the indictment, with the defence against perjury, to the knowledge of an assize." Argyle and his counsel, unconscious of this midnight divan, were overwhelmed with despair. They declined their privilege to challenge the jurors, and examine the witnesses; or disdained to renew an unavailing defence.

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Convicted.

Motives of
the trial.

The jury asserted their full share of infamy, in this iniquitous transaction. Montrose, the chancellor, or foreman, dishonoured the reputation derived from his grandfather, in order to avenge his death; and of eleven peers and four commoners, seven were privy-counsellors, personal enemies, deeply engaged in the prosecution of Argyle. From a gross affectation of impartiality, they acquitted him of perjury in receiving the oath in a false acceptation, but found by an unanimous verdict, that he was guilty of treason and leasing-making to their full extent⁴¹.

It is in vain for apologetical historians to pretend, and in vain for James to assert in his memoirs, that nothing more was intended than to wrest some dangerous jurisdictions out of the hands of Argyle. A man, who has perverted the course of justice, in order to acquire an undue power over the life of another, has no claim to credit for such motives as it may be convenient to assert, when his victim has escaped. Argyle had already offered to surrender those jurisdictions, unconditionally, to the king. The design was to ruin the head of the presbyterian party, and to divide his estates among the duke's friends. Whatever were their original designs against his life, his execution, if sentence were once pronounced, was a single additional step, which their safety might require, and which the duke's au-

⁴¹ Burnet. Argyle's Case, ii. 5. 8. 88.

thority was sufficient to sustain. When convicted formerly of the same fictitious crimes, he was preserved by Lauderdale, whose influence had now declined, and he discovered that no favour was to be expected at court. On the return of his messenger, he was informed of the king's instructions, that the sentence should be pronounced and the execution suspended; but every circumstance seemed to announce that his death was resolved. The military were ordered to town, and his guards were doubled; apartments were provided for his reception in the public goal, to which peers were usually removed from the castle before execution; and the dark and ambiguous expressions of the duke and his creatures, implied that his execution was necessary, and that it would be easier to satisfy the king when the deed was done, than to procure his previous consent. Whether these insinuations were employed to intimidate Argyle, he escaped that same evening in the train of his daughter-in-law, the Lady Sophia Lindsay, disguised as her page. Sentence of attainder was immediately pronounced. His honours, estate, and life, were forfeited in his absence; his arms were reversed and torn; his posterity was incapacitated; and a large reward was offered for his head. Notwithstanding a general alarm, and a vigilant pursuit, he was conducted to London, by Veitch a clergyman, through unfrequented roads; and Charles, who

Argyle's
escape.

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Effects of
his sentence
on the pub-
lic.

possessed not the common justice to pardon and restore him, had the generosity not to inquire after the place of his retreat⁴².

Never was a sentence productive of more execration and horror; never, perhaps, was a sentence more flagitiously obtained, than the attainder of Argyle. Even the episcopal party, whom James had attached to his person and interest, were indignant at the shameless prostitution of justice, and at the depravity of the prime nobility, who had descended to the basest offices, in order to accomplish the ruin of an ancient house. But the presbyterians were struck with consternation and despair. The most obnoxious of such as had opposed the test, and among these the Earl of Loudon, Dalrymple the late president, Stewart an advocate, Fletcher of Salton, retired to the continent. The Duke of Hamilton, and the proprietors of twenty sheriffships, or extensive regalities, rather than receive a test so pernicious to Argyle, suffered their hereditary jurisdictions to lapse and revert to the crown⁴³. From the horror and antipathy which the sentence inspired, the presbyterians became ever afterwards irreconcilable to James. He allowed them, they said, to continue protestants, but if they once ventured to assert their faith, not the most

⁴² Argyle's Case, 121. Burnet. Wodrow, ii. 213. Fount. Dec. i. 167.

⁴³ Wodrow, ii. 225.

uniform nor meritorious services could atone for a single act of opposition or of zeal⁴⁴. Their fears were communicated to those who had urged his exclusion with such violence in England, and whom the dissolution of the last parliament of Charles had left unprotected; and Argyle's case, which was printed in London, produced a deep impression upon the public mind. From the coincidence of the two events, his attainder, at the instigation of the duke, was compared with the acquittal of Shaftesbury, against whom it appeared that the king himself had condescended to solicit evidence, if not to practise the arts of subornation⁴⁵. There was nothing similar to the corruption of the peers and jurors of Argyle; except the venal evidence which was allotted in England to the vilest of mankind. But the exclusionists anticipated their own destruction, from the attempt to ruin the two protestant earls; and if such were the first fruits of the duke's administration in Scotland, what was to be expected from his tyrannical disposition when he should ascend the throne? What, but the most sanguinary reign of proscription and terror? the fear of which was productive of extensive conspiracies, in which the patriots of each kingdom were involved.

Lauderdale, who had outlived his influence, Duke shipwrecked.

⁴⁴ Fount. Mem. MS.⁴⁵ Ralph. i. 639—40.

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and by a timid vote for the condemnation of Stafford, had incurred the duke's resentment, sunk under the weight of vexation and age⁴⁶. After the fall of the exclusionists, the duke was recalled to court ; but he lost his ship when returning to Scotland, for the purpose of placing the administration there in the hands of his confidential friends. He was preserved in his barge, to which Churchill, Legg, and the Earls of Middleton and Perth, were admitted : others were saved by boats from the attending yacht, but the vessel sunk with several persons of distinction on board. It was maliciously said, that the duke appeared chiefly solicitous for his priests and dogs ; but if more lives might have been preserved in his barge, the testimony of the drowning seamen acquits him of the first part of this inhuman charge. As if insensible to the horrors of their own situation, they gave a loud shout while sinking themselves, when they observed him safely received into the yacht. On his arrival in Scotland, Queensberry was appointed treasurer, and created a marquis ; Perth, justice general, an important office in the present reign ; Gordon of Haddow, chancellor, with the title of Earl of Aberdeen ; and to these men the administration of the kingdom was entrusted by James,

⁴⁶ His brother succeeded to the title of Earl : but the rapacious duchess had despoiled the family of its principal estates. See Fount. Mem. Dec. i. 208. 223.

with instructions sufficient to authorize the most unrelenting rigour. After a short stay, he returned to court, with the most ample and absurd testimonies from the bishops, of his affection for the church⁴⁷.

As a change of administration was productive of no change in the measures of a despotical government, the unhappy country procured no relief. Every new ministry, created for the purpose of pursuing the same measures, endeavoured to exceed the violence of its predecessors, and to recommend itself to the court by oppression. The most ruinous penalties were ordered to be levied without mitigation; and the people, sensible that unless they conformed they were utterly ruined, returned in a body, but with marked aversion or contempt, to the churches, where, in some places sermons had been discontinued for many years. The persecution of conventicles became far more severe, and the administration of justice more corrupt than ever: the execution of fanatics became daily more frequent: even the military were invested with justiciary powers; and the ingenious cruelty of the court of justiciary was exhausted in the invention of new laws and of new crimes. As if the insurrection at Bothwell were not yet avenged, Hume, an in-
Severe administration.
Hume's trial and execution.

⁴⁷ Burnet. Macpherson's Orig. Pap. i. 135. Kennet. Fount. Mem.

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the indemnity, was convicted without evidence of having acceded to the rebellion, because his *defence was repugnant to the indictment*, or in other words, because it was contrary to the crimes of which he was accused. But his father had sat as a juryman on the trial of Haddow, the chancellor's grandfather; and as if some retribution were due to the duke's religion, the anniversary of Lord Stafford's death was selected for his execution⁴⁸. Another trial, of which the consequences were more extensive and memorable, created an alarm through the whole kingdom. Laurie or Wier of Blackwood was convicted of treason for conversing with some tenants who had been involved in the guilt of rebellion. They had remained for two years unmolested, neither prosecuted nor intercommuned, but the judicial presumptions upon which he was condemned, were strung together in a manner that exhibits a curious specimen of the logic and inventive subtlety of an iniquitous court. As every good subject was bound to discover those whom he suspected of treason, it was treason to converse with a suspected person, however innocent he might prove. But a person once engaged in a rebellion, must be presumed to have incurred the suspicion of the whole neighbourhood. The suspicion of the whole neighbourhood must be known to each individual in it. It was proved,

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Black-
wood's il-
legal sen-
tence.

⁴⁸ Fount. Mem. Wodrow, ii. 268. Burnet, ii. 340.

however, that the persons with whom Blackwood had conversed, had been concerned in rebellion. And it was presumed, as the sole ground of his conviction, that their treason could not have failed to excite his suspicion. His execution was frequently respited, as his attainder sufficed to establish a lucrative precedent for a new and a most comprehensive crime⁴⁹.

A proclamation was issued against all who had ever harboured or communed with rebels; circuit courts of justiciary were appointed for their trial and condemnation as traitors; and this inquisition was to subsist for three years, when an indemnity was promised; but an immediate absolution was conferred upon such as accepted the test. This proclamation, the most atrocious perhaps which, since the Duke of Alva's persecutions in the Netherlands, the world had yet seen, comprehended twenty thousand persons, who had held a promiscuous intercourse with rebels, and who were reduced to the cruel alternative of perjury or of treason. In the succeeding circuits it was strictly executed in every article, nor did the ministry dissemble their wishes, that the people might be compelled by its rigour to abandon the kingdom; but the people flocked to the test, as they did to church; protesting that they

Its extensive consequences.

⁴⁹ Burnet, 343. Fount. Dec. i. 213. Burnet calls him Wier, he or his father having married the heiress of Wier of Blackwood, and assumed that name. Nisbet's Heraldry.

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Conspiracy
in England.

received it against their conscience, to avoid destruction to themselves⁵⁰.

Wearied, however, with the tyranny which they had long endured, and terrified at the prospect of the severer tyranny for which they were reserved, the presbyterians were disposed to yield to the design, and to abandon a kingdom where no one was safe. The wealthy, alarmed at the attainder of Blackwood, prepared to settle or to sell their estates. A scheme concerted during Lauderdale's oppression was revived, to establish a colony in America, and to transport themselves and their followers to its unpeopled wilds. Thirty-six noblemen and gentlemen entered into the association, and their agents contracted with the patentees of South Carolina for an extensive settlement, where their freedom, their religion, and their name, might be preserved⁵¹. The scheme was encouraged by James, who preferred a desolate country to a disaffected people. But the exclusionists in England were alarmed at the approaching danger of the duke's succession, and on the sud-

⁵⁰ Fount. Dec. Burnet, ii. 345. "When Dundonald regretted the devastation of the west by the highlanders, Lauderdale replied, that it were better the country bore windle straws and sand larks than boor rebels to the king. This, though not fond of quoting his authority, they now repeated to the king." Fount. Mem. MS.

⁵¹ Wodrow, ii. 230.

den illness of Charles, had projected an early insurrection in the event of his death. After the retreat and death of Shaftesbury, Russel and Sidney renewed the communication with the discontented city, exasperated at the loss of its chartered privileges; and they invited the Scots to co-operate, while the plan of insurrection extended through England. Men about to abandon their country from oppression, were prepared for the most desperate enterprize to preserve it. Under the pretext of the American expedition or purchase, Lord Melville, Sir John Cochran of Ochiltree, Baillie of Jerviswood, Monro, Sir John Campbell of Cesnock, and Sir George his son, were invited and repaired to London, to consult with Monmouth and the council of six. A treaty was opened by means of Carstairs, a clergyman, with Argyle and the Scottish exiles in Holland. Ten thousand pounds were demanded for the purchase of arms, with which Argyle undertook to begin an insurrection in the west of Scotland. The Earl of Tarras, Monmouth's brother-in-law, was instigated to take arms with his friends on the borders, as soon as the first signal of revolt was sounded in England. Nothing, however, was yet determined nor properly matured. Money was not provided for Argyle, nor were the Scottish conspirators satisfied with the dilatory caution of their English confederates, whom they regarded as a disjointed

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cabal, fit only to debate, but incapable of an insurrection, which was daily deferred. While they sent to restrain the impetuosity of their countrymen, they determined, that unless greater vigour were immediately adopted, they would separate from the confederacy, and consult for themselves⁵².

Discovery
of the Rye-
house plot.

An insurrection intrusted to so many, and delayed so long, could not remain concealed. A separate plot, upon which the subordinate conspirators had discoursed, but concerted nothing, was first detected, to assassinate the king and his brother at the Ryehouse, on their return from Newmarket; and the virtuous Russel, the heroic Sidney, suffered for a conspiracy of which they were ignorant. The Scottish conspirators were implicated in the discovery; and Argyle's letters, which perplexed the most skilful decyphers, were intercepted. Melvile and Cochran escaped to Holland: Ferguson, the celebrated plotter, was traced to Edinburgh; but when the gates were shut to prevent his escape, he found a secure asylum in the common gaol; the place which was least likely to be suspected or searched. The rest were secured, and remanded to Scotland to be tortured or condemned. But the Scottish conspirators had acted with more circumspection than the English, though impatient

⁵² Sprat's Account of the Ryehouse Plot, 26. 647. Carstairs's State Papers, 10. 14.

of their delays ; and from the evidence of Holmes and Shephard, nothing but hearsay reports had transpired. To extort a discovery of their guilt, Gordon of Earlston, who had been attainted in his absence, and intercepted with credentials from the Cameronians to their friends abroad, was ordered by Charles to be tortured after a sentence of death ; but at the sight of the instruments of torture, instant madness was produced by his horror and despair⁵³.

But in state offences, nothing more than the forms of justice was observed in Scotland, and even from these the court of justiciary was impatient to recede. Sir Hugh Campbell of Cesnock, an old and venerable gentleman, was first arraigned. As there was no proof of his participation in the conspiracy, he was accused of having abetted the insurrection at Bothwell, by reprimanding the deserters, or exhorting them to return. His defence, that he was then in his own house, remote from the place where the supposed words were uttered, was overruled as contrary to the indictment, inferring perjury against the evidences for the crown. His proof, that the witnesses were actuated by revenge, and suborned by rewards, was also rejected. But when the first witness was produced, and his own condemnation appeared inevitable, he

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Cesnock's
trial,

⁵³ Dalrymple's Mem. i. 57. Wodrow, ii. 311. Fount. Dec. i. 245.

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and unex-
pected ac-
quittal.Jervis-
wood's trial
and execu-
tion.

checked him in the midst of his evidence, and adjured him solemnly ; “ Look full in my face, “ and by the perilous oath you have sworn, take “ heed to what you say ; for I declare, at the “ peril of my own soul, that, to the best of my re- “ membrance, I never beheld your face before.”

Though tutored by previous examinations, the witness was struck with this impressive address. He acknowledged that he knew of nothing against the prisoner ; and a loud shout expressed the sympathetical emotions of the public mind. His companion faltered and confessed the same ignorance ; confounded by a low and indignant murmur, “ What ! would you swear away the “ honest old gentleman's life ?” The Earl of Perth, the justice general, whose brother, Lord Melford had already obtained a gift of the expected forfeiture, repeatedly endeavoured to prompt, and to direct the evidence ; but the jury for once interposed, and acquitted the prisoner, after a violent altercation with the bench. But the witnesses were loaded with chains till they retracted their evidence : the jury were prosecuted for a riot in court ; and old Cesnock, though acquitted by their verdict, was detained in prison during the remainder of his life⁵¹.

His acquittal was fatal to Baillie of Jervis-wood, whose life was the more eagerly sought, in order to convince the people, by a public exam-

⁵¹ Fount. Dec. i. 286. Wodrow, ii. 382.

ple, that there had been a real conspiracy to assassinate the king. Every discovery was expected from Argyle's letters, which required a double key; for the explanation of the cyphers, and for the collocation of the words. Spense, Argyle's secretary, who had been detected in England, was repeatedly exposed by Lord Perth to the torture. After enduring the common engines of torture with fortitude, he was deprived of sleep for a week, till a new instrument was invented, the excruciating torments of which he was unable to sustain⁵⁵. Yet in this extremity he was careful to stipulate, before he consented to decypher the letters, that his evidence should never be judicially employed. Carstairs, when subjected to the same tortures, yielded to the same conditions. The discoveries thus extorted, revealed the correspondence with the Earl of Tarras and his friends, whose evidence against Jerviswood was procured by threats, or by the hopes of life. He was produced for trial in the last stage of decay, when the rigours of a long imprisonment had left him few days, or even hours to live. The day after his indictment, he was arraigned at the bar. The defective testimony of his nephew, the Earl of Tarras, was sup-

⁵⁵ Id. 387. Burnet, ii. 425. Carstairs. The thumbikins; small screws of steel that compressed the thumb and the whole hand with an exquisite torture; an invention brought by Drummond and Dalziel from Russia. Fount. Dec. i. 300.

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Dec. 24.

plied by the extrajudicial confession of Carstairs, which was perfidiously read, and sustained, not as legal evidence, but by a judicial sophism, as an *adminicle* of proof. His condemnation was to be expected on the most imperfect evidence ; but he was conducted on the same day, and within a few hours, from the bar to the scaffold, lest his execution should be prevented by a natural death. Notwithstanding the enfeebled and dying state to which he was reduced, his deportment is described as a mixture of Roman greatness, and of Christian resignation ; and, during the trial, the sanguinary Mackenzie, the king's advocate, shrunk from his keen reproaches with compunction and shame. His declaration on the scaffold was interrupted, as usual, by the noise of drums. But his speech was diffused in writing, attesting the common principles of the whigs, his attachment to monarchy and the king's person ; but asserting the right of resistance, in order to preserve the constitution and the protestant faith, and to prevent the judicial effusion of innocent blood. His sister-in-law, a daughter of Wariston, who had voluntarily shared his imprisonment, supported his exhausted frame on the trial. She attended his last moments on the scaffold, and with more than female fortitude, contemplated the melancholy execution of an horrid sentence ; his head affixed to the city gates, his body dismembered, quartered, and

preserved with salt, that the mangled remains might be distributed among the principal towns in the west⁵⁶.

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The remainder of this atrocious reign exhibits little else than a cruel and oppressive despotism; from the most unprincipled extortion, to the most frantic and sanguinary excesses of revenge. The attainder of Blackwood, instead of remaining a barren example, was improved into a fruitful precedent against all who had harboured rebels, or had inadvertently communed with persons secretly guilty, or suspected of treason. A general inquisition was made by the clergy, and the officers of justice, in each county, and almost in every parish of the west and south. A secret and voluminous roll of delinquents was prepared in each, for the approaching circuits of the judiciary court⁵⁷. There the test was invariably tendered, to supplant the covenant; and among the means by which it was enforced, gibbets were erected in some villages to intimidate the people⁵⁸. The unhappy recusants were crowded into prisons, and when the evidence was defective, were convicted upon their own oaths, of

Justice
prostituted
for the
purpose of
extortion.

⁵⁶ Wodrow, Addenda, vol. i. ii. 394. Fount. Dec. MS. Burnet, ii. 427. State Trials, vol. iii.

⁵⁷ The *porteus* rolls for Air contained three hundred, for Lanerk, above two hundred sheets. Few gentlemen were omitted; in Renfrew none. Wodrow, ii. 317.

⁵⁸ Wodrow, ii. 412—66.

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Proscrip-
tion of two
thousand.

an intercourse with rebels ; the prevailing crime from which few were exempt. At the conclusion of the first circuit, a proscriptive list of two thousand outlaws, or fugitives from justice, was proclaimed to the nation ; and to the mockery of all regular government, subordinate, or rather intermediate circuits were held by officers invested with justiciary powers, who summoned juries, administered tortures or oaths at discretion, and practised every species of extortion or outrage which is to be expected when the military are entrusted with the execution of the laws⁵⁹. When revenue becomes the sole or the principal object of government, no nation can ever be truly happy, or exempt from the operation of the most vexatious laws : but woe to that devoted country, where the penalties exacted from the wretched inhabitants constitute a fixed, and regular subject of finance ! The fines imposed upon nonconformists and recusants, were diligently collected as a source of public revenue in Scotland : and to render them the more extensive and more deeply ruinous, a question was moved in the privy council, whether husbands, liable by statute for the attendance of their wives on conventicles, were not equally amenable for their absence from church. The men had generally returned to public worship, from which their wives, who were unnoticed in the act, had ab-

⁵⁹ Wodrow, ii. 318. 401. App. 105. Fount. Dec. i. 235.

stained; and the Earl of Aberdeen, the chancellor, feeling his credit undermined at court, adhered strictly to the laws, which, in those furious times, was termed popular moderation. But the act comprehended all persons deserting the church; man and wife were the same person; and the conclusion, that the husband should incur the penalties of his wife's transgression, was embraced by Queensberry in order to replenish the treasury, and by Perth from an avowed maxim, that the presbyterians were to be governed with an extreme rigour, or rather, to be exterminated, as enemies irreconcilable to the Duke's succession. When the question was referred to Charles who had ever despised the conscience of women, as much as he esteemed their persons, he determined ungallantly, at the instigation of his brother, that husbands were responsible for the offences of their wives, or for their absence from church. To the presbyterians this decision was of deep importance. Their ladies for many years had withdrawn from church; and their estates were exposed, by an accumulation of penalties, to the mercy of the crown. Within eleven counties, the penalties exacted, of every denomination, amounted to an hundred and eighty thousand pounds sterling; and other shires, to avoid the destructive visitation of the circuit courts, submitted to the land-tax, beyond the

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field's case.

period for which it was granted by parliament⁶⁰. Nor were the forfeitures for which numbers compounded, included in this estimation of fines. Gentlemen of rank and probity, accused on the most malicious informations, were convicted without legal evidence, on a strained interpretation of obsolete laws; and were compelled to redeem their lives and their fortunes from some worthless minion or minister of state. Of this iniquitous traffic of justice, some idea may be formed from the example of a gentleman, who had refused, when solicited, to contribute a small sum for the support of Argyle. When the court of session was consulted on this unknown crime, Perth, the chancellor, and the fifteen judges, delivered an opinion, that as Argyle, in the first instance, was a traitor, it was treason, in the second instance, to contribute money to his support; to solicit contributions, in the third instance, was equally treasonable; and in the fourth instance, notwithstanding the refusal to contribute, it was treason to conceal such a treasonable demand. On this infamous, but unanimous opinion of the court of session, Porterfield was condemned to death by the justiciary court; and was obliged to compound with his judge Lord Melfort, the chancellor's brother, for his life and estate⁶¹. Perhaps

⁶⁰ Fount. Dec. 305. Wodrow's Hist. Pref. 60.

⁶¹ Fount. Dec. i. 315. Wodrow, ii. 422.

there are few presbyterian families that were not involved in proscriptions or penalties; few of the nobility, whose ancestors were neither sufferers nor sharers in the iniquity of the times. But where the prisoners were unable to purchase, or otherwise to deserve their enlargement, the county gaols were disgorged into those of the capital; the mildest fate of whose wretched tenants, was to be transported as soldiers to Flanders, or as slaves to the plantations⁶².

Amidst the most rapacious exertions to which the prostitution of justice was thus instrumental, the execution of fanatics was never intermitted; but the complexion of government soon assumed a more sanguinary hue. The situation of the presbyterians was truly deplorable; their clergy were ejected, silenced, and driven into exile; the gentlemen were labouring under imprisonment or exorbitant penalties; the peasants were harassed by the army, and oppressed and ruined by itinerant courts. But the fugitives, and the sect of Cameronians, were rendered mad and desperate by the severer vengeance to which they were indiscriminately devoted. The latter, under the name of the united societies of the west, had burnt the test and the act of succession, at Lanerk, and had renewed their declaration against Charles as a tyrant, and against James as a papist unworthy

Execution
of fanatics.

⁶² Wodrow, ii. 339.

to reign. They were uniformly convicted on the former ensnaring questions; was the death of Sharp murder? was the rising at Bothwell rebellion? is Charles the rightful king? and not unfrequently were executed within a few hours after their sentence was pronounced. The father durst not receive his son, nor the wife her husband; the country was prohibited from harbouring the fugitives, and the ports were shut against their escape by sea. When expelled from their homes, they resided in caves, among morasses and mountains, or met by stealth and by night for worship; but wherever the mountain men, as they were styled, were discovered, the hue and cry was immediately raised. They were pursued and frequently shot by the military, or were sought with more insidious diligence by the spies, the informers, and the officers of justice; and upon some occasions it appears that even the sagacity of dogs was employed to track their footsteps, and to explore their lurking retreats⁶³.

At a secret meeting of their united societies, they prepared, in language which moves at once our compassion and horror, an admonitory declaration to their persecutors, which nothing could have suggested, and nothing can extenuate, but the deepest despair. After a temperate disavowal of the royal authority, they express their abhor-

⁶³ Wodrow, ii. 429—47—9.

rence of murder committed from a difference of judgment or of religious persuasion; but admonish their sanguinary persecutors (between whom and the more moderate, they are careful to discriminate) that from the common principle of self-preservation, they will retaliate according to their power, and the degrees of guilt, on such privy counsellors, lords of justiciary, officers, and soldiers, their abettors and informers, whose hands shall still continue to be embrued in their blood⁶⁴.

The declaration was affixed to different churches, and appeared the more alarming from the murder of two soldiers, active in persecution, whose death, however, the societies have ever disclaimed. Every petty oppressor felt or imagined the knife at his throat. But although a pernicious race of informers was intimidated, the government was instigated to atrocities worse than any which the declaration had denounced. The court of session was again consulted, whether the refusal to answer or to disavow the declaration upon oath, could amount to treason; but its prostituted affirmation was insufficient to gratify, and the forms of legal execution were too dilatory to assuage, the desire of revenge. An absolute and undisguised massacre was appointed by a vote of council; enjoining, "That whosoever owned, or refused to disown the declaration upon oath,

A massacre
voted in
council.

⁶⁴ See Note V.

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“ should be put to death, in the presence of two witnesses, though unarmed when taken.” A form of abjuration was prescribed, as the only security from military execution. The army was employed to enforce the oath, with instructions to put such as acknowledged the declaration to the sword; to summon a jury, and to execute those on the spot who refused to disown it; to secure their families, above the age of twelve, for transportation, and to consign the habitations of the absent to the flames. Special commissions, or courts of inquisition, were appointed for twelve counties, with justiciary powers; and among other inhuman instructions, women active or obstinate in fanaticism, were ordered to be drowned, as improper objects of military execution⁶⁵.

Military
executions
and murders in the
fields.

At present, such inhuman mandates might appear incredible, or exaggerated by party zeal, were they not attested by the records of the privy council. But the execution was not inferior to the spirit with which they were dictated. In whatever districts the declaration had appeared, the aged and infirm were dragged from their homes; the inhabitants of each sex were collected and surrounded by dragoons, with their swords drawn, till the abjuration was received.

⁶⁵ Wodrow, ii. 401—34, 5. From Mallet's Pref. to Amyntor, it would appear that the warrant for this massacre was signed by the king.

In other places it was carried by the military from house to house; it was imposed, indiscriminately, upon old and young; and converted into a passport, without which it was death to travel. Innkeepers were required to exact an oath from travellers, that their certificates were genuine; and the meanest centinel was often invested with justiciary powers. Such was the inflexible observance of religious scruples, that many, who had never heard of the declaration before, refused to abjure it; and rather than condemn or disown their brethren, were arraigned, convicted, and led to execution on the same day⁶⁶. But as military execution became more frequent, a sanguinary period ensued, from which historians have turned away their eyes with horror. The recusants were shot to death on the roads, or at their daily occupations in the fields; the fugitives were slain in the pursuit, or were massacred in their retreats; and as the unbridled rage of the soldiers was restrained by no sense of humanity or of justice, the most wanton murders were perpetrated without inquiry, and without discrimination. Flight was equivalent to guilt; and suspicion to proof. To disown, or to acknowledge the king according to the covenant, was alike treasonable; and death was inflicted in the midst of prayer, or without an interval to prepare for

⁶⁶ Wodrow, ii. 436—9. App. Hind let loose, 199.

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death. Under the command of Drummond, the officers chiefly noted for savage cruelty, were White, Balfour, Grierson, Urquhart of Meldrum, Douglas the Marquis of Queensberry's brother, and above all, Graham of Claverhouse, who has forfeited, in the blood of his innocent, defenceless countrymen, the heroism so gratuitously ascribed to the Viscount Dundee. Upon one occasion, when six unarmed fugitives were intercepted, four were instantly shot in his presence; the remaining two were afterwards executed by his order; and another, a husband, whose flight he had arrested, was brought back to his family, to be put to death in the presence of his wife. To enumerate the various examples or victims of cruelty, would be a painful task. No certain computation is preserved, of the number who perished in prison, or expired on gibbets, or were murdered in the fields. But the massacres begun in the present reign, continued to increase during the succeeding reign; and an expression perhaps falsely ascribed to James, was repeated with horror, that it never would be well with Scotland till the country south of the Forth were reduced to a hunting field⁶⁷.

⁶⁷ Hind let loose, 200. Wodrow, ii. 444—51. Cruickshank, ii. 335. Cloud of Witnesses. Hist. of the late Revolution in Scotland, by J. S. Lond. 1690. On these massacres, and on the whole persecution of the reign, the episcopal historians are silent as the grave; they have never attempted a

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Death of
Charles.

Charles, convinced, according to some historians, that the government, even in England, was too violent to be permanent, had meditated the recall of his favourite Monmouth, and the exile of his brother, who had engrossed the whole administration of affairs. Whatever schemes of reform were projected, a signal alteration in government was certainly intended; but Scotland had no relief to expect from the return of the duke. Preparations, it is said, were already made for his departure, when the king was struck with an apoplexy, and after a slight recovery, he relapsed in a few days into another fit, of which he expired. He died in the bosom of the Romish church, at the age of fifty-four, but at a juncture so critical and so favourable for the catholics, his unexpected death was imputed to poison⁶⁸.

Ever since the era of the accession, the sovereign became so much estranged from Scotland, that, except in the civil wars of Charles I. his presence or personal interposition has seldom occurred.

His cha-
racter.

minute history of their church, after the restoration. See Skinner's Hist.

⁶⁸ Macpherson's Orig. Pap. i. 147. Burnet, ii. 456. Welwood, 142. It is remarkable, but it does not amount to historical evidence, that the Duke of Buckinghamshire concurs with Burnet and Welwood in this fact; that Doctor Short, the principal physician who attended Charles, believed that he had been poisoned, and declared, when dying, that he had been poisoned himself, for speaking his mind too freely of the king's death.

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From the transactions, therefore, in Scotland, under Charles II. it is neither possible to discover his private, nor equitable to judge entirely of his public character. His early misfortunes had rendered him an easy, unassuming companion, familiar and intimate with his attendants in exile. His converse with foreign courts had imparted an elegant refinement to his manners, which our former sovereigns had never possessed. Affable, indulgent, ingenious, and communicative, polite without affectation, facetious and witty without malignity, alike exempt from his father's reserve and his grandfather's buffoonery, he was blessed with all the external and specious qualities of an accomplished prince; and when restored to his subjects, he appeared to be born for the delight of the human race. But though adversity be the school of princes, it is seldom that they return from exile amended or improved. His sense of misfortunes had been lost in dissipation, and although his judgment was sound and correct, his mind, engrossed with frivolous pursuits and unworthy pleasures, was incapable or impatient of application to serious affairs. His indolence has been frequently employed to extenuate his vices, by those authors with whom history is an apology for the crimes, or for the misconduct of kings. He was insincere in his promises, to avoid importunity; ungrateful to escape obligations which he was unable to discharge. But these vices had a

deeper root, in the distrust and habitual dissimulation acquired in exile. The unfriendly reception which he experienced abroad, and perhaps the difficulties which he met with after his return, had inspired a settled distrust, not only of all parties, but of all mankind. His intrigues and intercourse with every party, with the presbyterians, the cavaliers, and the papists, had inured him early to a perfidious duplicity; his easy insinuating address was conducive to the most artful dissimulation; and his systematical disregard of morals is betrayed in the favourite and uniform maxim of his whole life; that men were never honest nor sincere from principle, nor women chaste but from humour or caprice. With the manners, taste, and refinement, he had imbibed the licentious gallantry of the French court; and to his habitual dependence while a fugitive, we must ascribe the venal and prostitute spirit with which, in his secret treaties with Louis, he sold the nation and himself when king. From the dangerous effects of his popular talents, and the desire of absolute power, which his education among the cavaliers abroad had confirmed, the English found a temporary resource in his indolence and profusion; and till the last years of his reign, his government, however unconstitutional, was comparatively mild. But his mind was alike adverse to the liberties, and irreconcilable to the religion of the nation, and ever ready to sacrifice

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its glory and its interests to his own criminal pursuits and pleasures ; and a reign, auspicious and popular at its commencement, became, as might naturally be expected, disgraceful and odious before its conclusion.

His person was tall and graceful ; and his countenance an assemblage of harsh, but majestic features. Historians, struck with his resemblance to the busts of Tiberius, have indulged a comparison of their characters, and of the events of their lives ; their invariable choice of unprincipled favourites, whom they successively trusted, hated, and destroyed ; the profound dissimulation with which they concealed their designs ; their indolence and love of pleasure ; their early banishment, unexpected succession, and suspicious death⁶⁹. Neither in the social, though licentious pleasures of his court, nor in the government of England, disquieted and controlled by the most opposite factions, did Charles resemble the solitary and suspicious tyrant of Capreæ ; but the various and enormous oppressions of his reign in Scotland, may be compared with the tyranny of the worst Cæsars. The only difference is, that instead of cruelties inflicted chiefly on the first ranks of the nobility, whom Tiberius extinguished, a more diffusive, and to the people a more insupportable tyranny, extended over the community at large.

Character
of his reign
in Scotland.

⁶⁹ Burnet. Welwood.

The only apology for Charles is, that he was not present to superintend or to restrain his ministers ; to witness the tortures, the groans, or the murder of his subjects ; and to compute the sums that were wrung from their misery, or the blood that was indiscriminately shed by his judges and guards. But the crimes of his ministers, and the outcries of the people, were repeatedly, yet ineffectually conveyed to his ear ; the orders for a massacre were certainly executed with his approbation, if not subscribed with his hand ; and his refusal to alleviate the calamities of his subjects, bespeaks a cruel, unforgiving, and obdurate heart ; irreconcilable to the presbyterians from former indignities, and though exempt from religious bigotry, secretly gratified with religious persecution.

THE
HISTORY
OF
SCOTLAND.

BOOK IX.

Accession and Parliament of James.—Argyle's Invasion and Execution.—Opposition to the repeal of the Penal Laws and the Test.—Dispensing Powers exerted.—Origin and Progress of the Revolution in England—in Scotland.—Convention of Estates.—Forfeiture of the Crown by James,—its Settlement on the Prince and Princess of Orange.

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Accession
of James.

WHATEVER opposition had been made to a popish successor, in the preceding reign, there was no party now to resist or to disturb the accession of James. The administration of the three kingdoms had been placed in his hands; and when the alarm of the popish, was succeeded by the detection of the Ryehouse plot, the English were apparently not averse to a tacit compromise for the surrender of their liberties, if their religion were preserved. The first ambi-

guous declaration of James, that he would neither depart from his just prerogatives, nor invade the established government in church and state, was represented as the word of a prince never yet broken, and magnified as a security above all law. Addresses from every corporate body promised a secure and permanent authority, if from servile corporations, who had surrendered their privileges or suffered them to be violated, it were possible to collect the latent spirit or the sentiments of the people.

His accession was equally secure in Scotland. In Scotland. During his residence there, he had procured many personal friends among the nobility and gentry; and the royalists were attached to his person by the impunity with which they were indulged in the abuse of power; the highlanders, by his attention to their chieftains, and by his care to compose the dissensions of their clans. The presbyterians appeared to be the objects rather of his commiseration than fear. An indemnity was proclaimed on his accession; but an act of ostentatious clemency was disappointed, as usual, by the exception of all above the rank of mechanics or peasants, and the unhappy fugitives were required to surrender within three weeks, and to submit to the oath of allegiance or to perpetual exile. While the oath of allegiance was thus exacted, it is observable that the coronation oath for Scotland was declined by James, as repug-

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Tyranny
continued.

nant to the religion which he proposed to introduce; but the omission was employed, in a few years, to justify the declaration that he had forfeited the throne¹.

The indemnity afforded no intermission to the murders in the fields; on the contrary, military violence continued to increase. The wretched fugitives were daily shot; or, if tried by a jury of soldiers, were executed, often in clusters, on the highways: and the officers, who ought to have restrained the troops, were accustomed, with a savage fury, to pistol the prisoners with their own hands. Even the humanity of government was barbarous, and disgraceful to a civilized state. Numbers were transported to Jamaica, Barbadoes, and the North American settlements; but the women were not unfrequently burnt in the cheek, and the ears of the men were lopt off to prevent, or to detect their return. The most inhuman injunctions which the council had issued, were implicitly executed. Three women at Wighton, who refused the oath of abjuration, were condemned to be drowned. The youngest, a child of thirteen, was suffered to escape. But her sister, a girl of eighteen, and the other, a woman, upwards of sixty, were fastened to stakes beneath the sea mark, that as the tide flowed around them, they might suffer the lin-

¹ Wodrow, ii. 471—3. Fount. Mem. MS.

gering horrors of a protracted death. The eldest was first suffocated by the rising tide. The youngest was suffered to recover, and after respiring awhile, was persuaded by her relations, to acknowledge or to bless the king; but when they demanded her release, Winram, the officer who attended the execution, on her refusing to sign the abjuration, ordered her to be plunged again into the stream till drowned².

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A parliament, which had been summoned in the preceding reign, was opened by Queensberry, the commissioner, who had engaged to render the government more despotical than ever, on assurance that the protestant religion should be preserved. The king's intentions were signified in the most arbitrary strain, that the estates were assembled, not only to express their duty, but to exhibit an exemplary compliance to others (the English parliament); that his demands were necessary, rather for their own security, than for the aggrandizement of his prerogative, which he was determined to maintain in its brightest lustre; and as nothing had been left unattempted, by a fanatical band of assassins and traitors, he trusted that no measure would be omitted to suppress their murderous designs. The commissioner and the chancellor, who enlarged successively on the letter, indulged in the most virulent invectives

A parliament.
April 28.

² Wodrow, ii. 481—5, 6. Appen. 153.

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against the fanatics, whom they humanely proposed to extirpate, not merely as rebels to the king, but as inveterate enemies to the human race. They recommended the most unreserved submission, and never perhaps was a parliament assembled more obsequious to the crown. All opposition was removed with the presbyterians, who were excluded by the test. Apparently all sense of freedom was extinguished. The parliament, in a declaration or tender of duty, acknowledged the solid and absolute power with which the first and most fundamental laws of their monarchy, had invested the sovereign; professed their abhorrence of every principle derogatory to his sacred and supreme authority, in which alone their security or their rights consisted; promised a passive or entire obedience without reserve; and as the first fruits of their submissive loyalty, the whole nation, fit for arms, was devoted to his service; the excise was annexed to the crown for ever, and the land-tax was conferred upon the king for life³.

New treasons and attainders.

In the severe laws against fanatics, the parliament was equally obsequious to his demands. As persecution renders the duty of a witness equally odious as the task of an informer, the people were generally averse to judicial oaths. The refusal to give evidence against traitors was converted

³ Wodrow, ii. 453. App. 147. Ralph, 857. Parl. 1685. c. 2. 12.

into treason ; against other delinquents, into the same crimes of which they were accused ; and in the hands of the privy council, the rigors of the inquisition were justly apprehended from this outrageous act. To administer or to receive the covenant, to acknowledge its authority, or even to write in its defence were converted into treasons. A ratification was bestowed upon every illegal judgment and act ; and to prove the iniquitous administration of government and justice, the privy council, the judges and officers, both of the state and army, were indemnified for their acceptable services to the king. Field preachers were already subjected to confiscation and death. The same punishment was extended to preachers in house-conventicles, and to the whole audience in field meetings ; a law of which the inhuman rigor may be estimated from the legal definition of these crimes. Domestic worship, attended by five persons in addition to the family, was punishable as a house-conventicle ; but if frequented without, at the doors or windows, the latter was reputed a field-conventicle, for which the whole congregation were to suffer death. The test was extended almost to all ranks, under such pecuniary penalties as the council should impose ; but the attainder of the late conspirators was an immediate source of revenue to the crown. Sixteen were attainted in their absence ; among whom were the Earl of

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Loudon, Lord Melville, Fletcher of Salton, Sir Patrick Hume, Dalrymple, Cochran, and other exiles; six were tried at the bar, and among these Campbell of Cesnock submitted, with his son, to the king's pleasure, and, to gratify the rapacious Melfort, was convicted of treason<sup>4</sup>.

Entails  
authorized.

Amidst the new treasons which the parliament created, and the numerous attainders which it pronounced, an act of an opposite tendency was passed, to authorize the perpetual entail of lands. That the Scots should have remained so long ignorant, or have availed themselves at such a late period, of a feudal institution which other nations were desirous to explode, are circumstances sufficient to excite our attention and surprise. The statute of entails was evaded in England before the Scots had begun to study or to improve their laws; and the early sovereigns of the Stuart family would never have consented to a device adapted to perpetuate a feudal aristocracy, which it was the uniform policy of their house to depress. But the nobility at present were no longer the objects of jealousy or fear. The estates were required to confirm the sentences of Jerviswood, Argyle, and Porterfield; to ratify the opinions of the court of session, that it was treason not to reveal the demand of contributions for traitors, nor to abjure the treasonable declara-

<sup>4</sup> Parl. 1685. Burnet, iii. 28.



tion of the fanatics ; to approve the practice of the justiciary court, in proceeding to trial and conviction the day after the citation was given ; and the nobility were secretly alarmed at the retrospective treasons which they were employed to create. From these they perceived that the declaration of new laws, and of new crimes, was lodged entirely in the breast of the judge ; and from the numerous attainders which they were required to pronounce, they felt with terror that their lives were exposed to the mercy, and their estates to the rapacity of the servants of the crown. To preserve their estates from forfeiture, and their families from ruin, it would appear that they sought an indirect expedient to elude the iniquitous laws and corrupt practices, which they were too dependent to reject or to resist. Entails had already been introduced in a few instances, but were reprobated as repugnant to the genius of the laws. Corruption of blood, which obstructs the course of succession, was a penalty never incurred as the consequence of attainder, unless it were inflicted by an act of *dishabilitation* ; and the estates, relying secretly on the maxim, that nothing more could be forfeited than the person attainted was entitled to alienate, passed an act by which lands might be entailed to perpetuity, and the rights of an endless series of heirs be reduced almost to an usufructuary interest during their lives. Under the pretext of securing their estates



from alienation or debts, the nobility undoubtedly expected to preserve their families, in the event of an attainder, from the forfeiture of more than the *life-rent* interest or escheat of an heir<sup>5</sup>. The commissioner consented to the act, to perpetuate his own acquisitions to his family ; and from the tyranny of James, entails were introduced into Scotland, when the rigor of the feudal system had almost expired. In a commercial country, above a fifth, or a third part of the lands is excluded from commerce ; and entails will continue to increase, till the magnitude of the evil requires an extensive redress.

Argyle's  
descent.

In the meanwhile, the exiles attainted by parliament had resumed the plan of a descent upon Scotland, to which they were stimulated by their private, and by the public wrongs. Argyle was elected general, and was supplied by a rich and zealous widow at Amsterdam, with ten thousand pounds for the purchase of arms<sup>6</sup>. Monmouth, reduced from the most splendid hopes to sudden poverty and despair, was invited and persuaded by the importunity of his followers, to

<sup>5</sup> At the revolution they declared that " Forfeitures in prejudice of vassals, creditors, and heirs of entail, are a great grievance." Articles of Grievance.

<sup>6</sup> Mrs. Smith, a sugar baker's widow, who had concealed him in London, on his escape from Scotland. Wodrow, ii. 213. 541. Burnet, iii. 18. Lord Grey's Secret History of the Rye-house Plot, 120.



engage in a premature and desperate enterprise, which his own judgment condemned; and Fletcher of Salton, who alone dissuaded the attempt, disdained, where he approved the object, to desert his friends<sup>7</sup>. While Argyle attempted a descent in Scotland, it was concerted that Monmouth should land in the west of England, where his name and person were so extremely popular, that the whole country was expected to resort to his standard. Argyle embarked with his friends at Vlie, and stopt at the Orkneys, to procure intelligence or pilots; but his secretary and surgeon were intercepted, on landing, by Mackenzie the bishop; his expedition was timely disclosed to government; and before his arrival at Lorn, the kingdom was placed in a posture of defence. He erected the fiery cross, which was sent through the highlands, to summon his clan to arms; and issued two declarations, the one addressed to his vassals, recapitulating his personal injuries, the other to the covenanters in the name of his adherents, enumerating pathetically the sufferings of the nation under popery and tyranny united; protesting their stedfast adherence to the covenant, and disclaiming allegiance or subjection to a popish king. But his vassals had been secured on the first notice of his approach; the militia was raised through the whole kingdom;

<sup>7</sup> Burnet, iii. 18.



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the presbyterians were crushed by oppression, or were restrained by the presence of a military force; and the Cameronians, who renewed their declaration at Sanquhar, scrupled to join his promiscuous associates, the grounds of whose declaration were inconsistent with their own. Two thousand five hundred of his clan were collected; but by a fatal oversight, he lingered in Kintyre to increase his strength, instead of transporting his troops to the Clyde to surprise Dunbarton; to establish a communication with the western fanatics, or to justify the temerity of his enterprise, and confirm the hopes of his followers, by some signal exploit. This ill-fated nobleman was unequal to the situation in which he was placed. His officers disconcerted his plans, and disputed his commands. His shipping, and the military stores which he had deposited in the castle of Ellengreg, were abandoned to some English frigates, and when he descended into Lennox to cross the Clyde, the Marquis of Athole, the Duke of Gordon, and the Earl of Dunbarton, penetrating through the country, in every direction, had almost surrounded his diminutive army. His intention to fight was overruled by his officers, and his army, in its march by night towards Glasgow, was misled or betrayed by the guides into a deep morass, where the baggage and horse were lost, and all order and subordination instantly ceased. In the



tumult and confusion of a nocturnal retreat, each consulted his own safety, and in the morning not above five hundred of his followers remained. A part escaped at Kilpatrick, across the Clyde, and the rest dispersed. Argyle, in the disguise of a peasant, was overtaken at Paisley by two of the militia, whom his pistols intimidated; but in crossing the Cart at Inchannon, he was attacked and wounded by five others, and exclaimed in falling, alas! unfortunate Argyle! They regretted the situation, and would have concealed the rank of their prisoner, whom they durst not release; but Shaw of Greenock, their commander, recognized his features, notwithstanding his disguise and his long beard, which had grown ever since his escape from prison<sup>s</sup>.

Taken  
prisoner,  
June 18,

Never was an illustrious prisoner more ignominiously treated, since the execution of Montrose. The same indignities were prepared for Argyle, from a report that when Montrose was conducted to prison, he had appeared at a window, to feast his eyes with the ungenerous spectacle. He was conducted through the same gate, like the vilest malefactor, with his hands bound and his head bare, preceded by the executioner through the public streets. Tortures were even threatened at his examination, to extort discoveries, but nothing transpired. The privy council

and executed on  
his former  
sentence.

<sup>s</sup> Wodrow, ii, 529—39. App. 152. Ralph, i, 854. Fount. Mem. MS.



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deliberated on a new trial ; but his enemies were desirous to assert the justice of his former sentence : his friends might entertain a secret hope that his family would be more easily restored under a new reign, against an attainder so notoriously illegal<sup>9</sup>; and as the king demanded his execution within three days, he was condemned to suffer for his explanation of the test. He retained his fortitude, and even his accustomed mirth, to the last ; dined and indulged in a short slumber before his execution ; and in kneeling to submit his neck to the block, he embraced the instrument of death, with an allusion to its name, as the sweetest maiden he had ever kissed<sup>10</sup>. His misfortunes and his death were universally commiserated. He was twice condemned for fictitious crimes ; and his execution upon his former iniquitous sentence, was regarded as little else than judicial murder. The cruel and vindictive character of James, was marked by the most barbarous medal, struck to commemorate his triumph over an innocent, inoffensive nobleman,

<sup>9</sup> Wodrow, ii. 539—41. Lord Hailes ascribes this, on the authority of a family tradition, to Sir George Mackenzie. (Catalogue of Lords of Session, p. 25.) No doubt Sir George, at the revolution, would assume that merit with Argyle's son, when they sat together in the convention parliament. But he was the man who procured, when king's advocate, that illegal sentence on which he now moved for Argyle's execution.

<sup>10</sup> Wodrow, ii. 541.



whom his own injustice had ruined, and reduced to despair<sup>11</sup>.

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That Argyle should obtain a pardon, could hardly be expected from the character of James, who, on the defeat of Monmouth, had no mercy to extend to his brother's favorite son. He endeavours, in his memoirs, to extenuate his own cruelty, and would persuade the world, or himself, that he was released from the ties of affection and blood, inasmuch as Monmouth was neither his nephew nor his brother's son; but the son of Robert, and the nephew of Algernon Sydney, connected both by consanguinity and treason with his inveterate foe<sup>12</sup>. The cruelties of Kirk and Jefferies in the west of England, which will never be forgotten, could hardly exceed what the presbyterians had endured in Scotland for twenty years; but at present, from the dissensions of the ministry, the rigors of government were comparatively mild. As there was no battle, few prisoners were taken in arms. Sir Patrick Hume, and the principal officers who crossed the Clyde, had repulsed the military before they dispersed;

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Severities  
of govern-  
ment,

<sup>11</sup> On the one medal, the heads of Argyle and Monmouth placed on altars, the bleeding bodies beneath, with an inscription, *Sic Aras et Sceptra tuemor*; on the other, their heads upon spikes, and the inscription, *Ambitio malesuada ruit*. Cuninghame, i. 62. Pennant's Journey to Scotland, 1772. Echard.

<sup>12</sup> Macpherson's Orig. Pap. i. 76.



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but Archer, a clergyman, and Rumbold the maltster of Rye, were wounded and afterwards executed; Ayloff, another Englishman, was sent to London, nor did his affinity to Clarendon, and the king's children, preserve his life. Cochran, when betrayed by his aunt, was redeemed from death by a wealthy father. But the Marquis of Athole inflicted cruel ravages on the estates of Argyle; put many gentlemen of his name to death; and, but for a timely application to the privy council, would have executed his son, in the midst of a fever, at his father's gate<sup>13</sup>. The gaols were crowded with prisoners on Argyle's invasion; and many of them, driven northward to Dunnoter Castle, were confined in a loathsome contracted dungeon, where they perished daily, for the want of the common benefits of air and water. Numbers were transported to the plantations; were deprived, as usual, of their ears, and were consumed by diseases during a long voyage. But the government was still intent upon forfeitures; and attainders continued to multiply during the whole reign<sup>14</sup>.

ruinous to  
James.

The destruction of Argyle and Monmouth, instead of confirming the authority, first contributed to the ruin of James. The merciless and bloody circuit, or, as unfeelingly styled in his letters, the

<sup>13</sup> Fount. Dec. i. 360—71.

<sup>14</sup> Fount. Dec. i. 301—8—86—9. Wodrow, ii. 548—57—67—76. Burnet, iii. 24. Hind let loose.



campaign of Jefferies<sup>15</sup>, destroyed the apparent popularity with which his reign had commenced. Elated at the destruction of his enemies, or rather intoxicated with uninterrupted success, he no longer condescended to dissemble his bigotry or his designs. In his speech to the English parliament, he announced abruptly his resolution to maintain a standing army, and to dispense with the penal law and the tests; and no explanation was necessary to convince the nation that the former was intended to establish arbitrary power, and the latter to introduce the catholics into the church and state. The parliament might have acquiesced in the most arbitrary powers which the sovereign could assume; but it was dissolved in anger, as it hesitated to betray the religion, together with the liberties of the nation; and from that moment, while his precipitate violence continued to increase, it is observable that his authority began to decline. His good faith, moderation, and judgment, were universally distrusted; and the attachment of his protestant subjects was dissolved. The tories, the universities, and the church, forgot their professions of implicit subjec-

<sup>15</sup> "Lord chief justice is making his campaign in the west."  
"Lord chief justice has almost done his campaign, he has  
"already condemned several hundreds, some of whom are  
"already executed, more are to be, and the others sent to the  
"plantations." The concise and humane language of a father  
of his people! James's Letters; Dalrymple's Mem. ii. 53.



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Introduc-  
tion of  
popery  
attempted.

tion amidst the dangers with which their religion was threatened; and in the attempt to establish the Romish faith, no party, a few catholics excepted, adhered to the king.

The concessions refused by the English parliament, were expected from Scotland, where proselytes received every encouragement which the king could give. Perth the chancellor, and Melfort his brother, disgusted at the arrogance of Queensberry, preferred an accusation which appeared so frivolous or invidious at court, that, in order to preserve their own places, they embraced the popish faith, and, like true courtiers, ascribed their seasonable conversion to the papers found in the cabinet of the deceased king. Queensberry, stript of his employments, discovered, when it was too late, that neither the sums extorted for the treasury, nor the merit of rendering the prerogative absolute, could atone for his want of the true faith. The administration was entrusted to papists only; to Perth, a timorous and cruel, to Melfort, a cruel and rapacious statesman, and to the Earl of Murray, another convert, who was admitted to an ostensible share of power. Proselytes were not numerous; but the new-born zeal of the chancellor was indefatigable. Shoals of priests were allured to Scotland. The press was abandoned to their care and diligence; a royal seminary, or college of Jesuits, was erected in the palace, for the gratuitous instruction of youth,



and a chapel was prepared for the private, yet offensive, celebration of mass. But the populace, to whom it was ever odious, rose tumultuously upon Sunday, defaced the superstitious ornaments provided for the chapel, and compelled the priest who officiated, to abjure his religion at his own altar, by accepting the test <sup>16</sup>.

Murray was appointed commissioner to parliament; in order to expiate, in the opinion of the catholics, the crimes of his ancestor, by the repeal of those penal laws which the regent Murray, at the reformation, had enacted against papists. But as many circumstances had contributed to excite apprehension and alarm, the compliant temper of parliament was unexpectedly changed. A secret opposition was encouraged by the example of the English parliament. An abhorrence of popery was revived by controversies, in which the learning and eloquence of the protestant divines were successfully displayed; and the revocation of the edict of Nantz produced an indelible impression upon the minds of men. The French protestants were dispersed through Europe; their outcries, and the representations of their sufferings, increased the horror entertained at popery, and the arrival of fifty thousand refugees in England, afforded a real argument, and a spectacle of its cruel and persecuting spirit, which it was impos-

Unexpected  
ed opposi-  
tion in par-  
liament.

<sup>16</sup> Burnet, iii. 86. Fount. Mem. MS. Dec. i. 399.



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April 29.

Repeal of  
the penal  
laws and  
the test at-  
tempted.

sible to resist. The episcopal party began to apprehend, that under a prince more intolerant and bigotted than Louis XVI. the same persecution which they had inflicted upon fanatics, was reserved for themselves; and as the repeal of the penal laws was sufficiently understood, the parliament, of late so devoted to the crown, became equally tenacious of the rights of the established church. When the king's letter was read, and enforced by the commissioner's speech; when, in return for his offer of a free intercourse of trade with England, and an ample indemnity for state offences, he demanded that his innocent and loyal subjects of the catholic persuasion might be restored to the protection of the laws, and released from obligations inconsistent with their faith; the estates replied, in respectful yet equivocal terms, that they would proceed as far for the relief of the papists as their conscience would permit<sup>17</sup>.

The expression used by James, implied the removal of every disability; and as the offer of a commercial intercourse with England was deemed irresistible, the court party proposed the repeal both of the penal laws, and of the test so adverse to the king's designs. They represented that the penalties attached to the Romish worship, namely, confiscation and corporal punishment for the first offence, banishment for the second, and the pains of treason for the third, were unworthy of a chris-

<sup>17</sup> Wodrow, ii. 591. App. 158.



tian or even of a civilized state ; that it was a small concession to gratify the king by the repeal of laws too severe and sanguinary ever to be executed ; that the exemption of his catholic subjects from the test, was due to those of his own persuasion, from whose loyalty no danger could result to the throne ; that the refusal of a just and moderate relief, might provoke the king to inflict an unforeseen and incurable wound ; that without the violation of a single law, the protestants might be displaced at once, by the absolute prerogative with which he was invested, and the papists substituted in every department of the church and state ; and that as the nation was bound by religion and duty never to resist the exercise of his divine right, nothing but the merit of an obsequious submission would remain<sup>18</sup>.

The episcopal party, as if awakened from a deep lethargy, discovered in these interminations, the full extent of the despotism which they had concurred to rear. Ashamed of their former unguarded servility, they maintained that their obedience belonged to the king, but their conscience to God ; that in the test which James himself had proposed, they had sworn to admit of no altera-

<sup>18</sup> It may seem strange that the bigotry of men should resort for argument to the most pernicious and absurd extremes to which their principles can be pushed. L'Estrange, then employed in Edinburgh to write for the court, had a large share in these arguments.



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tion injurious, though remotely, to the protestant religion; and that without a violation of their oath, they could never consent to the repeal of the penal laws, which had been enacted as a safeguard for the established church; that as these were never executed, but reserved to deter an active, insidious enemy, intent on its destruction, the sudden outcries against their inhuman rigour must appear peculiarly unreasonable, when capital punishments were multiplied against fanatics in every session; that in these times, when protestants were persecuted and reduced so low abroad, no security ought to be remitted at home: that when papists remained unmolested, disquieted by none, and deprived of nothing but a public establishment, for what purpose did they demand the repeal, but to grasp at all offices of emolument, authority, and trust; to invade each department in the state; to propagate their worship with impunity through the church; and in due time, when their strength was confirmed, and when their designs were mature for execution, to supplant the protestant religion, and to re-establish their own<sup>19</sup>.

and refused.

The attempt to introduce popery was too obvious to succeed. But the parliament was studiously protracted, and every allurement was offered, every intimidation was employed, to obtain its consent. Ross, the primate, and Pater-

<sup>19</sup> Fount. Mem. Wodrow, ii. App. 118.



son, Bishop of Edinburgh, endeavoured to procure the concurrence of the prelates, but an honourable opposition was maintained by Atkins, the venerable Bishop of Galloway; by Cairncross, Archbishop of Glasgow, and Bruce of Dunkeld, who were both displaced. Lord Pitmedin, the only judge who opposed the repeal, was removed from the bench, and Mackenzie, the king's advocate, was dismissed for Dalrymple. Lockhart, the president, proposed a limited toleration; the Duke of Hamilton, a general indulgence to presbyterians and papists: but the commissioners of shires and burrows, who adhered to each other, though without a leader among the nobility, continued firm and united in their opposition to the court. The indulgence of popish worship in private families, was the last attempt: but the commissioner, after a violent debate, despaired of obtaining a concession which the king despised.—The protestants, conscious of their own strength, and disgusted at a long session, threatened to impeach the Bishop of Edinburgh, or to ratify the penal laws; and the parliament, which had granted nothing to ministry but gifts of forfeitures, was adjourned, and soon after dissolved by the king<sup>20</sup>. June 15.

The application to parliament, according to the principles, and indeed the language of James, was a gracious offer to accept of its dutiful and submissive consent to his demands. His preroga- Dispensing powers.

<sup>20</sup> Wodrow, ii. 594. App. 160. Fount. Mem.



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Sept. 14.

tive was fully equal, at least in his own opinion, to the repeal or suspension of the penal laws, which the estates had refused. The dispensing powers, which he prepared to assert in England, might be exercised in Scotland, where they were least likely to be disputed; but he used the precaution to purge the council of eleven members, the Earls of Mar, Dumfries, Glencairn, and others, who had opposed his designs in parliament, and to substitute some popish lords in their stead. His pleasure was then signified to the obsequious board; that his protection should be extended to all catholics, against the severity of the laws, which the judges and magistrates were forbidden to execute; that the free exercise of the popish religion should be indulged in private; and that his chapel should be fitted up, and provided with chaplains for its public celebration. The privy council assented to every demand which the parliament had refused; acquiesced in the pleasure of an absolute monarch, who was accountable to God alone for his conduct; but the answer was the less acceptable, as the members hesitated to pronounce the prerogative a legal security for the indulgence which they prepared to grant. At the same time the royal burrows were deprived of their privileges, and the annual elections of magistrates were suppressed. The provost was named by the king; the magistrates and common council were appointed by the provost,



and thus, the election of members to serve in parliament was transferred to the crown. As the same measures were pursued in England, it appears that James was not indifferent to the sanction of parliament, which he affected to despise<sup>21</sup>.

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The indulgence to papists was proclaimed in terms of religious toleration, in order to interest the presbyterians in the repeal of the penal laws and of the test. The servile declarations of the parliament were faithfully transcribed; but the disguise assumed by James was too thin to deceive. From the sovereign authority, royal prerogative, and absolute power, with which the king was invested, and which his subjects were all bound, without reservation, to obey, he conferred upon moderate presbyterians and quakers a limited toleration in private houses; but he dispensed indiscriminately with the severe laws against Roman catholics, and repealed whatsoever prohibitions or penalties they might incur. He permitted the free exercise of their religion in chapels, and the enjoyment of all offices and benefices to be hereafter conferred. He released them from all restrictions but these: not to preach in the open fields; not to invade the protestant churches by force; nor to make public processions through the principal streets. He annulled the preceding oaths of supremacy, and the tests; and substituted a new oath of allegiance, not only to renounce

Declara-  
tion of in-  
dulgence.

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<sup>21</sup> Fount. Dec. i. 424. Wodrow, ii. 599.



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the right of resistance, but to maintain the full exercise of his absolute power. And he declared, for the encouragement of the protestant clergy, “that he would use no force, nor invincible necessity, against any man on account of his persuasion, or the protestant religion:” neither would he deprive the present possessors of the lands appropriated formerly to the church<sup>22</sup>. Such an arbitrary declaration, approved of by none but the obsequious council, was calculated to excite universal discontent. The dispensing powers of prerogative were converted into the repeal of old and into the creation of new laws, to which obedience was demanded, without reservation of the religion or moral obligations of mankind. A new oath was imposed, not as formerly of passive obedience, but for the active support of this absolute power. Even the promise to use no force, nor invincible necessity, on account of religion, nor to revoke the church lands from lay proprietors, intimated, not obscurely, that a change of religion was intended and already begun, and implied a sanguine expectation, that it would soon be complete<sup>23</sup>.

Its effects  
in Scot-  
land.

The declaration was received by the episcopal party with such undissembled rage, that their clergy were unable, either in discourse or in the pulpits, to suppress their discontent. That abso-

<sup>22</sup> Wodrow, ii. 515. App. 186. Ralph, i. 943.

<sup>23</sup> Burnet, iii. 136.



lute power which they had laboured to create, was employed for their destruction. The government which they had sought to monopolize, was open to the catholics, and almost equally accessible to the presbyterians, their inveterate foes. Afraid to lose the invidious acquisitions which they had long possessed, they anticipated, and their apprehensions already beheld the return and increase of the fanatics, whom they had subdued or dispersed. Nor was the indulgence acceptable to the presbyterians, who were neither released from the laws, nor from a new oath to which they refused to submit. A second indulgence to dispense with the oath, was accepted by none. A third indulgence was issued; and from the same supreme and absolute authority, the laws against non-conformity, so severe and sanguinary, were indiscriminately repealed. The presbyterians no longer scrupled to embrace the benefit of toleration; but in their addresses to the throne, no approbation was bestowed on the repeal of the penal laws; and no solicitation could procure their assent to that insidious design. Their injuries were too recent and deep to be forgotten; nor could the most credulous believe that the author of their late persecution was sincere. They availed themselves of the obvious intention of James to disunite the protestants; and their clergy, secretly devoted to the Prince of Orange, returned from the conti-



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tions in  
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ment to accept the indulgence, as a happy expedient to restore and reunite their sect<sup>24</sup>.

The indulgence, a prelude to a similar declaration in England, admonished all parties there, of the despotism which was to be expected from the dispensing powers. Amidst the advances which an infatuated monarch had already made, and the violence with which he impelled the nation towards the Romish see, a fictitious trial had been brought, and by displacing some, or corrupting others, he procured from the twelve judges a confirmation of his prerogative to dispense with the tests. The alarm which an illegal judgment for the crown never fails to excite, was augmented by a declaration of indulgence, which, though it was more moderate than the indulgence in Scotland, and though it asserted neither the plenitude of absolute power, nor that of unrestrained obedience, expressed, in suspending the penal laws, an earnest wish that the nation were reconciled to the catholic church; and in addition to the free exercise of religion, it suppressed indefinitely every oath or test that might exclude a part of his subjects from the service of their king. If, at first, the dissenters, from the bitterness of their past sufferings, were gratified with an unexpected, delusive toleration, the discontent of the nation was confirmed by a series of illegal

<sup>24</sup> Burnet, iii. 138. Earl of Balcarra's Memoirs, p. 7. Wodrow, ii. 624.



attacks on the established church. The court of high commission was revived, under the auspices of the infamous Jefferies; and the Bishop of London was the first object of its unjust persecution. The privileges of every corporation were invaded, in order to displace those who adhered to the penal laws and to the test. The two universities were successively assailed, in order to introduce the Jesuits, whose superior reputation and industry might engross the education of youth, and the management of the richest foundations in Europe. Although a successful resistance was maintained by Cambridge, Oxford at least was expected to adhere to the passive doctrines of its own decrees. But the fellows of Magdalen college refused to elect as their president, a papist whom the king recommended with a dispensation from their oaths; and on their persisting in the choice of another, they were arbitrarily ejected by the ecclesiastical commission, deprived of their fellowships, and declared incapable of ecclesiastical preferment. It is dangerous to violate the privileges of a corporation, much more of an university, whose interest, supported by the union of its members, and espoused with warmth by its former disciples, is diffused through the church; and through the community at large. The fellows were dispossessed of their freeholds, and the most unalienable property was no longer safe from the



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dispensing powers. The church was exposed to the same usurpation ; its dignities were equally open, and its benefices would be soon transferred by the same dispensation, to Romish priests : but if the seats of learning, by the expulsion of its present members, were once filled with papists, the national religion would be poisoned in its source. From the ungrateful bigotry of James, the attachment of the church of England, the last support of the Stuarts, was thus dissolved, and in the hour of danger, its numerous adherents, who had prevented his exclusion, resorted to those principles of liberty and of resistance which they had so loudly disclaimed.

Trial of the  
seven bi-  
shops.  
June 9.

The imprisonment and the trial of the seven bishops, were the last measures of infatuation that remained. When a second indulgence was issued, and ordained to be read in church, the bishops petitioned against an order which was calculated to reduce the clergy, on their compliance, to the contempt and reproach of becoming accessory to their own destruction ; or to subject the disobedient to the penalties recently inflicted by the high commission. The whole nation was agitated at the imprisonment of the fathers of the church. Tears and groans, and the prayers of an immense concourse of people, attended them to prison. The same violent agitation was excited by their trial ; but their ac-

June 15.



quittal resounded through the capital, and was received with tumultuous joy by the whole kingdom, as a religious and even a national triumph over the sovereign. From the public ferment, which was not likely to subside, that dangerous crisis, to which despotism and bigotry conducted James, arrived.

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The eyes and the expectations of men had been long fixed upon his nephew, the Prince of Orange, whose marriage with his eldest daughter, the Princess Mary, had opened a near prospect of obtaining the crown. Religion, as well as interest, had connected William with the popular party, as alike adverse to the ambition of France, and desirous of a protestant successor to the throne of England<sup>25</sup>. The discontented of both nations found a secure asylum in Holland, and an honourable or a secret reception at his court; and his connexion with every party was preserved and enlarged by their correspondence with their friends. His interposition had been early solicited<sup>26</sup>, to preserve the liberties and religion of England, but while his succession continued open, he was averse to a public interference, for which, as yet, there was no pretext. His ambassadors, Dykevelt and Zuliestein, were successively employed in the most secret and extensive intrigues. They negociated with the

Expecta-  
tions from  
the Prince  
of Orange.

<sup>25</sup> D'Avaux, 1681. Macpherson's Orig. Pap. i. 116.

<sup>26</sup> Burnet, iii. 119.



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church party, with the dissenters, and the whigs; they established a correspondence with the principal nobility, and returned with the warmest assurances of their attachment and support. A pretext for his interference was soon obtained. Stewart, whom James had been induced to pardon and recall, was employed to solicit, in a correspondence with the pensionary Fagel, the assent of the Princess and Prince of Orange, to the repeal of the penal laws and the test. The pensionary's answer was dispersed through England; that from the principles of universal toleration, they would concur in the removal of the penal laws, but could never consent to the repeal of the tests, the only secure bulwark which the nation had provided for the protestant faith<sup>27</sup>. It was received as a public declaration, confirming their private assurances of toleration to the dissenters, and protection to the established church; and the protestants, animated by this discovery of their sentiments, were inspired with an unbounded confidence in the prince.

An extensive confederacy in England.

While the chance of a protestant succession remained, the prince was averse to a premature

<sup>27</sup> James, and his historian Macpherson, would persuade us that nothing more than a toleration was intended for papists. Why then did he not acquiesce in a repeal of the penal laws, to which the prince would have assented? The repeal of the tests, in which he was inflexible, could have no object but to throw the government into the hands of the papists, to effect a change of religion.



rupture, and the nation was desirous to await the natural course of events. But the birth of a son, during the ferment excited by the imprisonment of the bishops, consoled James himself with the prospect of a catholic heir, and at the same time accelerated every preparation for his ruin. The most injurious surmises had been entertained of the queen's conception; and from some mysterious circumstances, the report of a supposititious child, however improbable at present, was eagerly propagated and implicitly believed. Under the alarm excited by the prospect of an hereditary, religious despotism, the invitation of the Prince of Orange was no longer deferred. The whigs, who had urged the exclusion, were indifferent to the hereditary line of succession, from which the tories, who had no view beyond a parliament, were unwilling to deviate. But as every political and religious party had laid aside their animosities during the common danger, a secret conspiracy was formed by their coalition; the most extensive perhaps, and the best concerted which history has preserved. Many noblemen and gentlemen of distinction resorted to Holland, whither large sums were transmitted to the prince<sup>28</sup>; but the greater number remained dispersed through England, to diffuse the conspiracy; and in consequence of the league of Augs-

\* D'Avauk.



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burgh, to circumscribe the aggrandizement of France, almost all the continental princes were concerned in its success. The secret, though entrusted to many thousands<sup>29</sup>, transpired only from the preparations of the Prince of Orange, which were far advanced before James was apprized of his hostile designs. Although his declaration announced that he was invited over by divers of the temporal and spiritual lords, the king was unable to discover the lines of conspiracy with which he was surrounded at home. The declaration issued on the embarkation of the prince, enumerated the grievances of the three kingdoms ; the suspicious birth of the Prince of Wales ; and the necessity of interposing to establish the religion and the liberties of the people on a secure foundation<sup>30</sup>. Terrified at the approaching invasion from abroad, and at the contempt and hatred which he had incurred at home, the king endeavoured, when too late, to retract his former illegal measures ; but when the Dutch fleet was dispersed, and driven back by a storm

<sup>29</sup> Burnet, iii. 217. Dalrymple's Mem.

<sup>30</sup> The declaration for England was drawn by Fagel, and translated and abridged by Burnet. Tradition has ascribed it to Stewart, to whom, according to Dalrymple, Dykevelt applied in London. Dykevelt was there in March and May 1687, but the declaration was evidently not drawn till autumn 1688. Instead of being penned, it was probably answered in a series of animadversions by Stewart. Ralph, i. 1033. So uncertain is tradition.



to Holland, his confidence in the protection of heaven revived. The expedition was renewed in a few days. While the English fleet was confined to its station, off Harwich, the prince, with six hundred transports and ships of war, passed with an east wind through the Straits of Dover, in the presence of wondering multitudes, who gazed from each coast at the sublime spectacle<sup>31</sup>; and disembarking at Torbay, upon the fifth of November, he afforded a signal proof to the nation, that its navy will not always prevent an invasion, nor a standing army ensure stability to the throne.

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Prince  
lands in  
England.

Scotland, to which we now return, had been timely apprised of the intended invasion. The troops had been summoned to England, and were replaced by the militia and undisciplined highlanders, with which the privy council, whose authority depended on the presence of the army, reluctantly complied. The inclinations of all parties were examined. Some of the episcopal clergy had ceased to pray for the Prince of Wales; but the loyalty of their party was soon restored, and the bishops concurred in a pious and convivial address to James, as the darling of heaven, that God might give him the hearts of his subjects and the necks of his enemies<sup>32</sup>. But the presbyterians refused, in the most explicit terms, to

Confederacy and  
cabals in  
Scotland.

<sup>31</sup> Boyer's Life of William.

<sup>32</sup> Skinner, ii. 514.



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support the government. Their clergy, who had returned from Holland, and the exiles who accompanied the Prince of Orange, had already prepared them to expect his arrival; and although it is uncertain how far the confederacy extended through Scotland, some of the chief nobility participated in his designs. Argyle was invited and escaped to Holland; Lord Cardross returned from America to join the prince. Drumlanrig, the Duke of Queensberry's son, introduced his countrymen into the confederacy in England, and the Earls of Anandale, Glencairn, Crawford, Dundonald, Tarras, Lords Ross and Bargenny, and many gentlemen of the first rank, were engaged in Scotland. No sooner had the army passed the borders, than they resorted to Edinburgh from all parts of the country; and the privy council, whose authority sunk in proportion to its former violence, was forced to connive at their secret cabals. The Cameronians were dispersed in small parties along the borders; and as few dispatches escaped their vigilance, the privy council was deprived of all intelligence or instructions from court. When the arrival of the Prince of Orange was discovered, their perplexity was increased by the most contradictory reports. His declaration for Scotland was received with avidity; and was proclaimed at Irvine, Air, and Glasgow, while the authority of the privy council was almost dis-



solved. As their confidential messenger had carried their dispatches to the prince's camp, a committee was appointed to repair to court, but before its arrival there, the revolution was accomplished in both kingdoms<sup>33</sup>.

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For a few days the Prince of Orange was joined by no one; but when the first example had been given, the extent of the confederacy was announced by a rapid and universal defection from the king. The gentlemen of Somerset and Devonshire hastened to the prince, on his advancing to Exeter, and entered eagerly into an association for his support. The Earl of Bath admitted his fleet into Plymouth. The Earl of Devonshire, and the gentlemen of Derby and Nottingham, declared for the prince and for a free parliament. Lord Delamer took arms in Cheshire; and in the northern counties, Lord Danby and his associates surprised Newcastle, York, and Hull. The same spirit of defection had extended to the army. Lord Cornbury, the Earl of Clarendon's son<sup>34</sup>, was among the first to desert; but when a petition for a free parliament, signed by nineteen peers and prelates, was evaded by James, he was followed by Churchill,

Progress of  
the revolution in  
England.

<sup>33</sup> Balcarras' Mem.

<sup>34</sup> Oh God! says Clarendon in his Diary, that my son should be a rebel! A few days afterwards he follows his son, or, in his own words, turns rebel himself. Clar. Diary, 15 Nov.



Kirk, Trelauny, Drumlanrig, the Dukes of Ormond and Grafton, and Prince George of Denmark the king's son-in-law; while a greater number of inferior officers refused to fight against the Prince of Orange. The king, who had arrived at Salisbury to give battle to the prince, was overwhelmed with misfortunes. All England appeared in commotion. The capital was full of discontent: the very fleet declared for a free parliament; and surrounded, as he believed, by a disaffected army, he knew not in whom to confide. He withdrew his army, and retired to London; but when informed of the escape of his daughter, the Princess Anne, "God help me," cried the unhappy monarch, with tears of anguish, "my own children have deserted me." Every new disaster increased his perturbation. He summoned a council of peers; issued writs for a new parliament; dispatched commissioners to propose a treaty; but as the prince continued to advance amidst the acclamations of all ranks, he was bereft of all fortitude and strength of mind. His conduct was irresolute, pusillanimous, absurd; and unable to submit to necessity, yet incapable of a single effort of generous despair, he sunk, without dignity, beneath his misfortunes. He consulted only with his queen, who was affrighted at a parliamentary impeachment; and with his priests, who chose rather to exhibit their proselyte as an exile to Europe,



than to abandon him upon a throne. The execution of his father was still present to his desponding thoughts; and he listened credulously to every suggestion of personal danger, without reflecting on the difference either of the characters or of the times. His terrors were flattered as the result of political wisdom, and he was easily persuaded that his departure would produce a scene of anarchy, which would eventually facilitate the recovery of absolute power. The queen and his son were conveyed secretly to France. His own departure was determined by the Prince of Orange's demands, which, however imperious, were necessary for the settlement and security of the nation, and if accepted by James, might still have preserved his descendants on the throne. His hopes were absurdly placed upon the public confusion; to increase which, he recalled and burnt the writs for a new parliament; directed Lord Feversham to disband the army; threw the great seal into the Thames; and with a single attendant, embarked at midnight in a small vessel for France. When his flight was discovered next day, an event beyond the expectation of his enemies, completed the consternation and despair of his friends. The populace began to plunder the chapels and houses of papists; but their excesses were soon restrained by the peers and prelates residing in London, who assembled in council to resume the government, and invited



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the Prince of Orange to provide for the safety of the state. When the king was intercepted at Feversham, and conducted back to Whitehall, the returning affections of the city might have convinced him that the nation was not yet lost. In this delicate extremity he attempted to resume his authority by an indiscreet proclamation against the late excesses<sup>35</sup>; but he was required at midnight to remove from the palace, and was permitted to return to Rochester, with an obvious design to connive at his escape. He was convinced himself that his departure would prove acceptable to the prince; and the few friends who adhered to his fortunes in adversity, urged him to remain. But the despair of life returned. An expression of his father's was remembered; that short is the distance between the prison and the grave of kings; and by the desertion of his kingdom which he was destined never to revisit, he left his rival an unbloody victory, and a vacant throne<sup>36</sup>.

James de-  
serts the  
kingdom.  
Dec. 23.

Revolution  
in Scotland.

The revolution was accomplished in Scotland with the same ease and success. Athol, lord privy seal and president of the council, was married to the Earl of Derby's daughter, who was allied to the house of Orange by her mother, (a descendent of the family of Tremouille in France;) and his personal animosity to Perth, the chancellor, instigated by Lord Tarbet and

<sup>35</sup> Echard. Ralph.

<sup>36</sup> Macpherson's Orig. Pap. i. 160.



Sir John Dalrymple, contributed to strengthen his connexion with the prince. When the desertion and retreat of the king's forces were reported, Tarbet artfully proposed in council to disband the militia as neither necessary, nor legally kept embodied in peace; and the weak and timid chancellor consented, fearful of offence, and unconscious of their designs. But the forces were no sooner reduced to a few troops for the collection of the revenue, than Athol and his friends represented that it was unsafe to sit longer in council with the chancellor and other papists, incapacitated by law. Destitute of military support, the chancellor was easily intimidated, or persuaded by his friends to abandon a city in which the populace had already risen and proclaimed a reward for his head<sup>s7</sup>. When the king's forces were partly disbanded, a panic terror had spread through England in a single night, that the Irish soldiers had begun an indiscriminate massacre of protestants; and as the beacons, drums, and bells, communicated the imaginary approach of danger, the people fancied that they heard the distant groans of the dying, and beheld the smoke of the distant villages consumed with flames. From the same reports diffused through Scotland, it appears that a political alarm had been widely propagated, to unite the protestants, and to ex-

<sup>s7</sup> Balcarras' Mem.



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asperate them against the state. While the drums beat to arms, and the inhabitants issued, in consternation, from their houses, a report was spread that the papists had entered Edinburgh, which would be burnt that same night. The people rushed to the palace, but were repulsed, and numbers were killed and wounded, by the fire of a company of soldiers, whom the chancellor had left for its defence. The principal citizens, and the leading presbyterians who had repaired to town, joined the populace whom they had incited to the attack. A warrant was procured from Athol and his friends, and intimated by heralds, for the surrender of the palace; and with the assistance of the train-bands, they broke in, and overpowered the military, some of whom were massacred by the popular rage and revenge. The printing-house, the library, the chapel, and schools of the Jesuits were burnt or demolished. The abbey church, which had been recently prepared for the new order of the thistle, was defaced; its ornaments and images were consigned to the flames; and the chancellor's lodgings were plundered by the populace, who continued for some days to search and pillage the houses of papists<sup>38</sup>. A similar report was productive of the same disorders in the west. On a sudden rumour, universally credited, that the Irish had

<sup>38</sup> Balcarras's Mem. Wodrow, ii. 649. Hist. Revol. in Scotland, p. 24.



landed, and after burning Kircudbright, had advanced to Hamilton, six thousand presbyterians appeared in arms. Disappointed of a foreign enemy, they dispersed in small parties, to disarm and dislodge their domestic foes. Upon Christmas day the episcopal clergy were assailed and dragged from their pulpits or altars; they were conducted through their parishes in mock procession; stript of their gowns, and expelled by force; or were permitted peaceably to depart, on a solemn assurance never to return. Two hundred clergymen of the episcopal persuasion, were thus ejected; and as the same violence prevailed for some weeks through the rest of Scotland, the revolution was almost equally complete in the church and in the state<sup>39</sup>. The conduct of the presbyterians was strictly regulated by the expulsion of their own clergy, after the restoration. But when we survey the persecutions which they had endured, and the blood with which the episcopal church was cemented, instead of blaming their severity, we are rather surprised and pleased that those fierce Cameronians, whom the late government had stigmatized and pursued as assassins, abstained from a massacre of the established clergy.

When the presbyterians obtained possession of the capital, the administration devolved upon the

Resort of  
all parties  
to London.

<sup>39</sup> Acts of the United Societies in the West. Wodrow's MSS. Skinner, ii. 517. Somers's Tracts, vi. 133.



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Marquis of Athol and his friends. The Duke of Gordon, with a mutinous garrison, retained the castle for James. But the declaration of the Prince of Orange was universally received; and the Earl of Perth was intercepted in embarking for France, and committed close prisoner to Stirling castle. An acknowledgment and offer of service to the prince, for the deliverance of the nation, was proposed in council; but from the opposition of the episcopal party, a short and general address was the utmost that could be obtained. But a conflux of all ranks and of every persuasion, resorted to London; the nobility, to demonstrate their respect for the prince, or to receive secret instructions from the late king; the presbyterians to embrace and consult their friends, who had returned from exile, on the measures necessary to be concerted for their success; and the episcopal party, to prevent the ruin of their church, and to preserve some share of their invidious power. They were followed by Athol; and the prelates and subordinate officers of state, who remained in council, assumed the administration, if on the dissolution of government it can deserve that name<sup>40</sup>.

Their address to the prince.

At the request of the peers, and of such of the commons as sat in parliament under Charles II. the prince had summoned a convention in Eng-

<sup>40</sup> Balcarras' Mem. Hist. Revol.



land ; and assumed the intermediate direction of affairs. Whatever form of government the convention might establish, little stability could be expected, unless the same, or a similar form of government were adopted in Scotland ; the situation of which was peculiarly important at the present juncture. The adherents of James were numerous. If his authority were still recognised in Scotland, the vicinity and the opposition of a warlike nation would impede or endanger the new settlement ; and his presence there might invite the English to return to their recent allegiance to the Stuarts. But in this perplexing situation, it reflects the purest lustre on William, that he resorted to no expedient except the free choice and consent of the people. He assembled the nobility and gentry attending in London, and representing concisely the object of his expedition, requested their advice on the most proper expedient to restore and to secure their liberties, their religion, and laws. The Duke of Hamilton was elected president ; a boisterous, yet temporizing statesman, who had maintained an open, or, more frequently, a secret opposition during the preceding reigns ; and according to the policy ascribed to the Scottish nobility, his son, Lord Arran, accompanied James in his barge to Rochester, while the father attended the prince at St. James's. From the disorders and the mutinous situation of Scotland, he intimated



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that the government ought to be lodged with the prince, till a convention were assembled ; but an unexpected motion was made by Arran, to invite the king to return and call a parliament, as the best expedient to secure their liberties and the protestant faith. Many of the king's adherents were present ; Balcarras, the treasurer, Claverhouse, whom he had created Viscount Dundee ; but the motion was reprobated as derogatory to the honour of the prince, and was supported by none. An address was signed and presented by thirty noblemen and eighty gentlemen, requesting the Prince of Orange to assume the government, and to summon a convention of estates ; and the irregular application of a few noblemen and gentlemen beyond the realm, was justified by the unreserved obedience with which his authority was received<sup>41</sup>. The convention of estates was appointed to meet, according to their request, on the fourteenth of March, in order that the settlement of England might first be completed ; and the convention of that kingdom declared that James had abdicated the government, and proceeded to place the Prince and Princess of Orange, as joint sovereigns, on the vacant throne.

Convention  
of estates.

In England the revolution was accomplished by a coalition of whig and tory ; but in Scotland,

<sup>41</sup> Balcarras's Mem. Hist. Revol. 40. Balcarras's State Tracts.



where the same distinctions prevailed under different names, the episcopal party, deprived of their former despotical power, persevered in their attachment to the exiled king. Whether to attend or to decline an illegal convention, which it was their interest to embarrass, perplexed and divided their measures, till secret instructions were received from James to secure an ascendancy in the convention of estates. Had the convention been returned like the late parliament, or chosen as the boroughs were afterwards modelled, their influence must have predominated in every election; and even in counties, the presbyterians would have been excluded by the test. But Dalrymple, the late president, had artfully provided, in the address to William, that none but papists should be excluded from their legal vote, and that the election should be conducted in the boroughs by a poll of freemen, from which it is to be regretted that they have since departed. The elections were transferred to the presbyterians, whose active zeal was supported by the people; but their adversaries relied on a majority of the nobility and on the whole bishops; the castle of Edinburgh remained in their hands, to dislodge the convention; and the Viscount Dundee introduced into the town a troop of three-score horse, which had deserted and returned from his regiment in England. The Camerons were summoned to town to counteract these



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March 14.  
Presbyterians pre-  
vail.

designs ; and the convention assumed the threatening aspect of a Polish diet<sup>42</sup>.

The choice of a president was the first question decisive of their strength. The Duke of Hamilton was supported by the presbyterians, the Marquis of Athol by the episcopal party, with whom, when disappointed in his expectations from William, he had renewed his intrigues. Parties were so nearly balanced, that the former was chosen by a majority only of fifteen<sup>43</sup> ; but their success was decisive, and on the next question the whigs obtained an accession of twenty votes. A committee was appointed for disputed elections, in order to increase the majority by their partial reports ; but the demand of the bishops to name a proportion of the committee from the spiritual, as a distinct estate from the temporal peers, was disregarded without a vote ; a sure presage of their approaching downfall. The security of the convention was next consulted. The Duke of Gordon, whom Dundee and Balcarras had persuaded not to resign the command of the castle, was proclaimed a traitor to the estates. His reluctance to fire upon the city, disappointed every plan to disperse the convention. A pretext was therefore sought to withdraw to Stirling, and to hold a separate convention, by a commission from James. On the report of a design to assassinate

<sup>42</sup> Balcarras. General Mackay's Memoirs, MS. Adv. Lib.

<sup>43</sup> Minutes of Convention, MS. Ibid.



Dundee, and Sir George Mackenzie<sup>44</sup>, the removal of all strangers from town was required; and the refusal of this demand before the castle had surrendered, was the signal to retire. But the fears of the Marquis of Athol recurred, while Dundee, alike indignant at his friends and enemies, was impatient of delay. He issued from the city with his horse, and, on a signal given from the castle, he halted to confer with the duke at the foot of the walls. The spectators were mistaken for his adherents, and when it was reported to the convention that his numbers were still increasing, the result apprehended from this remarkable interview, was, that the castle would begin to fire during an attack upon the town. But the president exclaimed, that there was more danger to be apprehended within the convention: the doors were secured, and the keys produced

March 18.  
Dundee  
retires to  
Stirling.

“Historians have supposed that Dundee was seriously afraid of assassination, and that the parliament refused to listen to the evidence which he offered. But it appears that his only witness was examined, who declared that two men had threatened in his house, to use Dundee and Mackenzie as they had been used themselves. (Minutes of Convention, MS.) As the men were not named, and as Mackenzie continued to attend the convention, it is obvious that Dundee affected an alarm. “That he went wherever the spirit of Montrose should direct him,” is a modern fiction exceeded only by another, that his heroism was caught from the recitation of Ossian’s Poems! Dalrymple’s Memoirs, ii. 305. and part 2d. 73.



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upon the table ; and while the drums beat to arms, the Cameronians emerged from the caverns and cellars, where they had lain concealed. The episcopal party enclosed in the convention, and surrounded without by enemies, were apprehensive of a massacre, till the tumult had subsided ; and when released, on the departure of Dundee for Stirling, they yielded to the terrors which their adversaries sought to inspire. The Marquis of Athol was intimidated ; the Earl of Mar was arrested on the road ; and the rest, disappointed of a refuge in his fortress, abandoned all thoughts of a convention at Stirling<sup>45</sup>.

Next day the militia was ordered to be levied and placed in secure hands. A regiment of eight hundred Cameronians was raised within two hours ; three hundred highlanders were armed by Argyle, who had assumed his seat before the attainder of his family was reversed. The convention was at length secured by the arrival of three regiments of Scots, who had been employed in the Dutch service, and had attended William to England, under the command of Mackay<sup>46</sup>. In these transactions, the superior policy of the presbyterians is no less conspicuous than the misconduct of their opponents, whose measures at all times violent, betrayed the despair and folly of a disheartened faction, deprived of power. The

Adherents  
of James  
abandon  
the con-  
vention.

<sup>45</sup> Balcarras. Minutes of Convention, M. S.

<sup>46</sup> Id. Mackay's Memoirs, MS.



fire of the castle could not have expelled the convention from town<sup>47</sup>, nor a separate convention at Stirling have interrupted its debates. But the presence of a numerous opposition would undoubtedly have embarrassed its proceedings; and a forcible appeal to the dormant loyalty and passions of men, might have obstructed the settlement of the crown in a different line. It was the policy of the presbyterians to procure unanimity, and to prevent an immediate recourse to arms, which the imprisonment or the expulsion of their adversaries could not fail to produce. But the terror and threats of imprisonment were more efficacious; and when the convention had adjourned, after the retreat of Dundee, some returned to their homes in despair, others deserted to the prevailing party; and when summoned next day to attend their duty in parliament, few remained to incur the obloquy and the danger of an unavailing opposition.

When the convention was thus relieved from opposition, its measures were vigorous and almost unanimous. Two letters had been presented; one from William and another from James; but the first was preferred. Before the other was permitted to be read, a resolution was adopted, and signed even by the adherents of James, that

Proceed-  
ings of the  
convention,

<sup>47</sup> See in Robertson's Hist. a parliament held by Lennox in the Canongate, notwithstanding Kirkcaldy's endeavours from the castle to dislodge the members, ii. 20.



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- nothing contained therein should annul or impede the deliberations of the estates. But the arrogance and bigotry of the letter were so unsuitable to his situation ; and the name of Melfort, with which it was countersigned, appeared so odious to the convention, that his friends had forborne to propose an answer, and his messenger was
- March 19. dismissed from prison with silent contempt. The convention returned a grateful answer to William, acknowledging their deliverance, and approving the address on which he had assumed the temporary administration of the state. But the presbyterians wisely evaded his proposal of an union with England, as a complicated measure, productive of dangerous animosities, which might disappoint their hopes of an ecclesiastical establishment ; and the convention proceeded to a plan, prepared by a committee, for the settlement of the crown<sup>48</sup>.

contrasted  
with those  
of the Eng-  
lish con-  
vention.

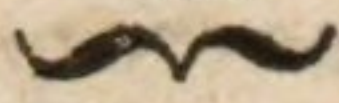
The deliberations had degenerated, in the English convention, into verbal disputes between the two houses, on the question whether the late king had deserted, or abdicated the vacant throne. In Scotland there was neither the same necessity to gratify the tories, nor the same propriety in declaring that the king had abdicated the government, by the desertion of a country wherein he did not reside. But the opposite genius of the two nations was never more conspicuous than

<sup>48</sup> Balcarras.



in the result of their deliberations on that important event. From the close of the fourteenth century, when the Plantagenets were dethroned, England, during the various dynasties of Lancaster, York, Tudor, and Stuart, had never witnessed above three generations of the same family succeeding, without interruption, to the throne. But a nation peculiarly averse to innovation, was still tenacious of hereditary right. The convention, to deviate the least from an order of succession so frequently inverted, declared that James II. having endeavoured to subvert the constitution, by breaking the original contract between the king and people, and having violated the fundamental laws, and withdrawn from the kingdom, had *abdicated* the government, and that the throne was thereby vacant. A voluntary desertion and a virtual renunciation, both of the government and of the realm, were meant to be implied in this ambiguous expression, in order to open the succession to the next protestant heir. But the abdication of government was irreconcilable with the premises, as it was neither applicable to his abuse of power, nor to his departure from the kingdom, which was certainly more from constraint than from choice. The Scots had acknowledged eleven successive generations of the house of Stuart; and their loyalty was cherished by the belief of



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a long and fabulous race of kings. Instead, however, of attempting, by an ambiguous fiction, to reconcile hereditary right with a change in the succession, they placed the vacancy of the throne upon its true basis, the religion and mal-administration of James. The same oppression which the English had apprehended while yet distant, they had long endured. Their loyal attachment to the Stuarts, which survived the civil wars, had been effaced by their sufferings ever since the restoration. From the same national ardor which had rendered the reformation so complete, or so destructive in Scotland, they proposed a bold and decisive vote, that James had forfeited the crown by his misconduct and his crimes. A feeble opposition was maintained by his few friends who remained in the convention. Paterson, Archbishop of Glasgow, and Sir George Mackenzie, asserted the exploded doctrine of divine right, or, with more plausibility, maintained that every illegal measure of his government was vindicated by the declaration of the late parliament, that he was an absolute monarch, entitled to unreserved obedience and accountable to none. Sir James Montgomery, and Sir John Dalrymple, who conducted the debate upon the opposite side, averred that the parliament was neither competent to grant, nor the king to acquire, an absolute power, irreconcilable with the reciprocal obliga-



tions due to the people<sup>49</sup>. The illegal measures of the reign were reduced to fifteen articles, on the recapitulation of which the estates declared, "That James VII. being a professed papist, did  
 " assume the royal power, and acted as king,  
 " without ever taking the oath required by law ;  
 " and had, by the advice of evil and wicked counsellors, invaded the fundamental constitution of the kingdom, and altered it from a legal, limited monarchy, to an arbitrary, despotic power ;  
 " and hath exerted the same to the subversion of the protestant religion, and the violation of the laws and liberties of the kingdom ; whereby he  
 " hath *forfaulted* his right to the crown, and the throne has become vacant." According to the legal import of the vote, the whole issue of James was excluded from the crown ; but the forfeiture, as explained by a subsequent resolution, was limited to the persons and to the future children of the late king, and of his pretended son<sup>50</sup>.

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Forfeiture  
of the  
crown.

When the throne was declared vacant, the convention resolved that the crown should be tendered to William and Mary, as joint sovereigns ; and that it should descend, on the failure of their issue, to the Princess Anne and her heirs. But the fifteen articles of misconduct in James, were first digested into an instrument of govern-

Settlement  
of the  
crown,and decla-  
ration of  
rights.

<sup>49</sup> Balcarras. Life of William, iii. 51. Vindication of the Convention. State Tracts, temp. Gul.

<sup>50</sup> Minutes of Convention, MS.



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ment, and a Declaration and Claim of Rights, which was still more comprehensive than the English Declaration, as it extended to almost every abuse of the two preceding reigns. It asserted that, according to the laws of the kingdom, no papist could ascend the throne; that all proclamations assuming an absolute power to suspend, or to dispense with, the laws, were illegal; that the measures employed to establish popery, that the imposing of bonds or oaths, and the exacting of money without the authority of parliament, were contrary to law; that it was illegal to invest the officers of the army with judicial powers; to inflict death without trial, jury, or record; to exact exorbitant fines or bail; to imprison without expressing the reason, or to delay the trial; to prosecute and procure the forfeiture of persons upon stretches of old and obsolete laws, upon frivolous pretexts or defective proofs, especially the late Earl of Argyle, to the reproach of justice; to nominate the magistrates and common council of boroughs; to dictate the proceedings of courts of justice; to employ torture without evidence, in ordinary crimes, or to oblige the subjects to accuse, or to swear against themselves; to garrison private houses, and to introduce an hostile army into the country, to live at free quarters in profound peace. The two memorable opinions of the fifteen judges were declared illegal; namely, that it was treason to conceal the



demand of money for traitors ; and that persons refusing to discover their private sentiments respecting the treasonable doctrines or actions of others, were guilty of treason. Prelacy and precedence in ecclesiastical office, were declared to be repugnant to the genius of a nation reformed by presbyters, and an insupportable grievance which ought to be abolished. The rights of appeal to parliament, and of petition to the throne, were unconditionally asserted ; frequent parliaments were demanded ; and these articles the estates asserted and challenged as their undoubted rights, against which no declaration nor precedent ought to operate to the prejudice of the people ; but whatsoever forfeitures or punishments were otherwise inflicted, should be revised and redressed. A separate list of grievances was also framed, in order to be redressed in parliament ; the most remarkable of which were the committee of articles, the act of supremacy, the manner and measure of the popular representation ; and in the removal of every injury which the constitution had sustained, the Scots apparently were desirous that nothing should be left unadjusted between the king and the people.

The new sovereigns were crowned in London, and were proclaimed in Scotland upon the same day. Argyle, Montgomery, and Sir John Dalrymple, were deputed from the three temporal estates to present the crown, and to administer

New sovereigns proclaimed.  
April 11.



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May 11.

the oath to the King and Queen. The instrument of government and the grievances were first read ; to which an address was added, to turn the convention of estates into a parliament. When the coronation oath was administered to William, he paused at the obligation to root out heretics, and declared that he did not mean to become a persecutor ; and, on the assurance of the commissioners that such was not its import, he protested that in that sense only he received the oath<sup>51</sup>. The insidious toleration attempted by James had excited universal disgust ; but the unaffected scruples of William were honoured and approved.

Exclusion  
of the Stu-  
arts neces-  
sary.

Thus the hereditary reign of the Stuarts, in the male line, was concluded eighty-six years after their departure from Scotland. Their accession to the crown of England was the era of their grandeur ; an event that contributed neither to their felicity, nor perhaps to the improvement of their native, hereditary kingdom. The contracted abilities of James VI. were better adapted to the government of a small state, than of divided kingdoms ; but the prospect of his elevation to the throne of England, inspired a weak mind with ideas of absolute power unknown to his ancestors, to which we must primarily attribute the execution of his son, the

<sup>51</sup> Life of William. Hist. Rev. in Scotland.



expulsion of his grandson, and the exclusion of his male posterity for ever from the crown. If his reign had been confined to Scotland, the presence of the sovereign, and the natural progress of society, were sufficient perhaps to have introduced subordination and the arts of peace; nor with a limited authority would he have ventured, so fatally for his posterity, to invade the established religion and liberties of the nation. If the Stuarts had continued to reign in Scotland alone, the attachment of the nation to an ancient family, without a rival in dignity, and without a competitor for power, might have still preserved their descendants upon the throne. But the loyalty of the nation was diminished by their absence. The immense influence acquired at the accession, was employed to crush the independence of the estates; and although they recovered and enlarged their authority during the civil wars, a jealous and cruel tyranny was introduced at the restoration; and was aggravated by all the vexatious insolence of delegated power. To England the revolution was a glorious event; it was useful rather than absolutely necessary; for if the late king had remained, the religion and liberties of the nation might have been secured by a regency, with proper limitations imposed upon the throne. The loyalty of the English was gratified, while the adherents of James were insensibly mollified by



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the accession of his daughters; and the nation was gradually reconciled to the event, and was prepared to adopt a more complete change in the line of succession. To this circumstance must be ascribed the apparent defects in its declaration of rights, which neither asserts the choice that was actually made of a new race, nor secures the frequency and independence of parliaments against the influence of the crown. But the revolution was absolutely necessary to restore tranquillity to Scotland, and to revive the confidence of the people in government, without which the king unavoidably degenerates into a tyrant, and his subjects vibrate alternately between rebels and slaves. So various and so enormous was the tyranny which I have attempted to delineate, that the people never could have dismissed their suspicion and resentment, nor the government the terrors which it felt, and sought to inspire; and for which, the uniform principle of despotism, we may truly affirm that there was no cure but the expulsion of the Stuarts.



THE  
HISTORY  
OF  
SCOTLAND.

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BOOK X.

*Convention turned into a Parliament.—Insurrection.—Dundee's Victory and Death.—Montgomery's Plots.—Redress of Grievances, and Presbytery restored.—Massacre of Glencoe.—Settlement of Darien.—National Distress and Despair.—Death of James.—Death and Character of William.*

IN the choice of an administration, it was difficult to gratify the unreasonable expectations of claimants, and to provide for the security of the new reign. The episcopal party had few pretensions; they soon acquired the appellation of non-jurors from their refusal of the oaths to government; and of Jacobites, from their steadfast attachment to James. The presbyterians who began the revolution, assumed superior merit with the king; but the exiles who returned from

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New administration.



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Holland, enjoyed a larger share of his confidence and esteem. Lord Melville, with inferior talents, was appointed sole secretary, in preference to Montgomery, whose mind was estranged from the new government by disgust and neglect. The Duke of Hamilton was appointed high commissioner, and the Earl of Crawford president of parliament; but as the chief offices of state, the treasury and the seals, were reserved to be put in commission, the former was disappointed in order of the distribution of places among his children and friends. By a choice less fortunate, as it was productive of general discontent, Sir James Dalrymple created Viscount Stair, was restored to the presidency of the court of session, on the assassination of Lockhart, by one who conceived himself injured by an unjust award. Sir John Dalrymple, his son, was appointed king's advocate; and though they were both presbyterians, they were unacceptable and odious to that party from their compliance with the times. Their abilities were confessedly great and transcendant; but the father had abetted the iniquitous administration of Lauderdale; the son, as king's advocate in the late reign, had revived the persecutions for the insurrection at Bothwell; and from a general dislike of the confidence so unguardedly reposed in men whose characters were by no means pure, they were suspected of creating a separation of interests



between the king and the people. But the confidence of William was soon transferred to Carstairs, his chaplain, who studied, like the Earl of Nottingham in England, to prepossess his master against the surrender of a single branch of his prerogative, as the more dangerous, and necessary to be resisted, where he was raised by popular consent to the throne<sup>1</sup>.

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In the transactions of civil society, the example of Cortes, when he resigned his commission from Velasquez to a council of his own appointment, from which he received another in the name of his sovereign, has been frequently transcribed. By the royal assent to an act of convention, the estates who declared William king, were inversely converted into a parliament by the same powers which they had previously conferred. In each kingdom necessity was supposed to supersede the vain consideration of forms. While the nation was threatened with an invasion by James, who had landed in Ireland, and with a civil war by Dundee, who retired to the highlands, the convention could neither be safely dissolved, nor another parliament be freely elected. But it is observable, that representatives are ever more desirous to perpetuate their authority, than to return to their constituents; and when the con-

Convention  
turned into  
a parlia-  
ment.

June 5.

<sup>1</sup> Balcarras, 64. Burnet, iv. 34. Fount. Dec. Carstairs' State Papers, p. 42.



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Opposition.

vention was once turned into a parliament, its authority was prolonged during the whole reign.

When the redress of grievances was taken into consideration, a sudden opposition was created between the king and the parliament. The former, though not averse to the regulation of the lords of articles, proposed that they should be freely elected, and monthly renewed by their respective estates; he agreed that whatever motions they should reject might be revived in parliament; but he required that the officers of state should still be retained, in order to facilitate the dispatch of business, or to preserve some share of a negative before debate. But the parliament was jealous of their influence or encroachments, and inflexible in demanding their removal from the articles. Their introduction into that committee was originally an usurpation, no less than the official seats which they had acquired in parliament; and the loudest resentment was excited at the refusal, or reluctance of the king, to redress entirely the first grievance of which the nation complained<sup>2</sup>.

William, who was indifferent to forms of worship if toleration were established, would have concurred in preserving prelacy, if the episcopal party had contributed to his support<sup>3</sup>. But as

<sup>2</sup> State Tracts, Temp. Gul. iii. 466. Burnet, iv. 35. Hist. of the Rev. 150. Minutes of Parlt. MS.

<sup>3</sup> Keith's Catalogue of Scottish Bishops, 43. Burnet, iv. 33.



presbytery was the condition upon which he was admitted to the throne, an act was passed to abolish prelacy and pre-eminence in ecclesiastical office. His commissioner was instructed to repeal the extensive supremacy which Charles had acquired<sup>4</sup>; but he scrupled to abrogate the rights of patronage, which he considered as the only expedient to infuse a mild, or more tolerant spirit into the presbyterian church. The parliament persisted in the repeal of patronage; and although episcopacy was abolished, presbyterian church government, in consequence of their mutual opposition, remained unestablished.

From the same desire to restrain intolerance, he refused his assent to an act for the incapacitation of such as had opposed the revolution, or had concurred in the illegal measures of the two preceding reigns. Proscription from office, if ever justifiable, was justified by the recent government of Scotland. But the king adopted a generous and wise resolution, to exclude no party from his service, or from the hopes of preferment, and to reduce no description of men to despair.

The nomination of the whole judges was challenged, in order to exclude Stair, the presi-

<sup>4</sup> See his instructions, State Tracts, iii. 460. "to establish that form of ecclesiastical government most agreeable to the people." As the parliament was prorogued before the acts were passed, Montgomery represented, in the Address and Vindication, that they were refused by William.



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Character  
and ex-  
ploits of  
Dundee.

dent, from the court of session. It was admitted that a single vacancy might be supplied by prerogative; but it was affirmed that on the total vacancy produced by the revolution, the court must be renewed, as it was at first created, by the authority of parliament, and that the choice of a president belonged to the judges themselves. An act was introduced, as in the reign of Charles I. declaring that the judges named by the crown should be examined, approved or rejected by the estates; but as the demand exceeded the commissioner's instructions, the parliament was adjourned amidst such a general ferment, that the judges assumed their seats under the protection of the troops<sup>5</sup>.

While the parliament was thus agitated by the presbyterians, a civil war was excited, and in the moment of victory, was almost extinguished in the north. With a new name it is not unfrequent to acquire a new and more honourable character in society; and the cruelties of Graham of Claverhouse are forgotten in the last splendid exploits of the Viscount Dundee. The same ardent and inflexible spirit that had rendered him barbarous and inexorable towards the covenanters, was adapted to the most daring and extensive designs. As an officer, he was able,

<sup>5</sup> Hist. Revol. 168—86. Address and Vindication of the Scottish Parliament. State Tracts, Temp. Gul. vol. iii. Lord Stair's Vindication. Burnet, iv. 105. Ralph, ii. 105.



intrepid, and experienced ; of a sound and cultivated understanding ; endued with many personal virtues ; parsimonious and severe by nature ; generous and indulgent from policy ; well acquainted with the dispositions and temper of others, and possessed of an entire command over his own<sup>6</sup>. Ambitious to equal the renown as well as the cruelty of Montrose, to whom he was related, he delighted in those vigorous and enterprising councils, in the execution of which he was best qualified to excel. When James had withdrawn to Rochester, he concurred with a few friends to dissuade his departure ; undertook to collect ten thousand of his disbanded soldiers ; and offered to march through England with his standard at their head, and to drive the Dutch forces with their prince before him<sup>7</sup>. Had he been entrusted, instead of Lord Feversham, with the command of the army, little doubt can be entertained that, though he might have failed to fulfil those magnificent promises, the revolution at least would never have been accomplished without immense bloodshed. When he retired from the convention, the expectations and the fears of each party were fixed on his designs. His intentions were discovered by intercepted

<sup>6</sup> Balcarras' Mem.

<sup>7</sup> Macpherson's Orig. Papers, i. 299.



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letters from Lord Melfort, who promised speedy assistance from Ireland ; proposed to support the war from the forfeiture of those lords whom they had marked for destruction, and literally threatened to reduce their enemies to hewers of wood and drawers of water. The letters were published in both kingdoms, to announce the cruelties that were to be expected on the return of James<sup>s</sup>. Balcarras and his friends were secured ; but Dundee retired into the highlands from the pursuit of Mackay, with an intention to summon the clans to arms.

Begins a  
Civil War.

At Inverness he found the Macdonalds of Keppoch, who had availed themselves of the disorders of the times to invest the town. On receiving his obligation for its ransom, they engaged in his service ; but they returned to secure their plunder in Lochaber, where he summoned a general rendezvous of the clans. Descending in the mean while, with his horse, to Perth, he surprised some troops, and levied contributions to the very gates of Dundee. It was not difficult, on his return, to excite the highlanders to arms, whose warlike genius was stimulated by the memory of their achievements under Montrose ; and by the apprehension that

\* The authenticity of these letters, though denied by the Jacobites, is admitted by Balcarras. They correspond with Melfort's letter, found on Dundee's body after his death.



Argyle would again be restored to his estate and jurisdiction. The Macleans and Macdonalds had suffered as the vassals or the enemies of that powerful family; the Camerons had obtained large grants of its possessions; and as the highlanders had been peculiarly favoured by James, a general confederacy was formed among the clans<sup>9</sup>. Seventeen hundred men were assembled by Dundee; they were armed with their paternal swords, but were unprovided with artillery, ammunition, provisions, or pay. By interposing between Mackay and a reinforcement which Ramsay conducted through Badenoch, he obliged the latter to retreat to Perth, and on the surrender of Ruthven castle, pursued the former along the course of the Spey. The fidelity of the Scottish dragoons was seduced, a regiment originally raised for the service of James; but their treachery was timely discovered; and Mackay, returning with reinforcements, endeavoured in vain to outstrip the speed of the highlanders on their native hills. But the highlanders, loaded with plunder, deserted in such numbers, that Dundee retired into the wilds of Lochaber, and dismissed his army till the succours which he expected from Ireland should arrive; and in this situation, the mortifying intelligence of the surrender of Edinburgh castle, would have over-

June 13.

<sup>9</sup> Mackay's Mem. 210—38. MS. Adv. Lib.



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Encounters  
Mackay.

whelmed a mind less vigorous than his own with despair<sup>10</sup>.

On the arrival of three hundred recruits from Ireland, he summoned the highlanders again to arms. The castle of Blair was defended against Lord Murray, son of the Marquis of Athol, by one of his father's vassals, whom Dundee hastened to relieve, and Mackay to reduce. The place was equally important, whether to restrain Dundee to the remote highlands, or to secure his access to Athol, Perth, and Angus, where his party were numerous; but on his approach to Blair, the Atholmen, with a loyalty unexampled among the highlanders, deserted their chieftain, and filling their bonnets with water, drank to the health of King James, and abandoned the pass of Killycranky, which they were employed to guard. When importuned by his officers to pre-occupy and to defend the pass, he convinced them that if Mackay were permitted to enter, and were attacked before the arrival of his cavalry, a fairer opportunity for victory would never be obtained. Mackay, an officer equally brave and pious, but diffident, averse to bloodshed, and better fitted to execute than to command, had advanced from Dunkeld with three thousand foot and two troops of horse. On emerging from the defile, he disco-

<sup>10</sup> Dundee's Mem. Macpherson's Orig. Papers, i. 355---66. Balcarras, 60. Creighton's Memoirs.



vered the enemy advancing from Blair; and he arranged his troops as they arrived, along a narrow field, where there was not room sufficient to form a reserve. Dundee, whose forces exceeded two thousand five hundred men, arranged them on an opposite eminence, according to their clans, with the hills behind to secure a retreat. For some hours they continued to regard each other, exchanging some distant shots, while the commanders omitted nothing to encourage their respective troops. Dundee recommended to their valour the defence of their country, their religion, and their king. Mackay represented the justice of the protestant cause, and the impossibility of a retreat through a long and narrow pass, overlooked by mountains that were overgrown with wood, and overhanging a steep precipice with a river beneath<sup>11</sup>.

Within an hour of sunset the signal was given by Dundee, and the highlanders descended in thick and separate columns to the attack. They suffered considerably from the fire of the enemy, but until they arrived within a few paces they reserved their own. After a single, desultory discharge, they rushed forward with the sword, before the regulars, whose bayonets were then inserted within the musket, could be prepared to receive or to resist their furious attack. The

Battle of  
Killy-  
cranky.  
June 17.

<sup>11</sup> Mackay's Memoirs, MS. 306—12—28. Burnet, iv. 38. Macpherson's Orig. Papers, i. 369—72.



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weight of their columns pierced through the thin and straggling line, where Mackay commanded in person; and their ponderous swords completed the route. Within a few minutes the victors and the vanquished were intermixed together in the field, in the pursuit, and in the river, and disappeared from view. Mackay alone, when deserted by his horse and surrounded, forced his way to the right wing, where two regiments had maintained their ground. While the enemy were intent upon plundering the baggage, he conducted them in silence and in obscurity, across the river at the bottom of the defile, and for two days continued his flight through the mountains to Stirling; less afraid of the highlanders, who were oppressed with booty, than of the pursuit of Dundee, at the head of his horse<sup>12</sup>.

Death and  
victory of  
Dundee.

But Dundee, whose pursuit he dreaded, was himself no more. After a desperate and successful charge on the artillery<sup>13</sup>, which he seized with

<sup>12</sup> Macpherson's Orig. Papers, i. 369—72. Balcarras. Mackay's Memoirs, 327—43. Dalrymple, on the authority of Mackay's manuscript, informs us that Mackay, on ascending the first eminence, and perceiving that there was no pursuit, said to those around him, that he was sure the enemy had lost their general. Dalrymple's Memoirs, ii. 89. Mackay, who escaped in the dusk, expressly declares that he was apprehensive of Dundee's pursuit, whom he knew not to have been killed. MS. Memoirs, Adv. Lib. p. 340.

<sup>13</sup> Three pieces of light leathern artillery, probably preserved since the civil war. Id. 326.



his horse, he returned to restore the battle on the left, and to renew the attack against the two regiments that remained entire. At that moment while his arm was extended to his troops, and while his person was conspicuous to the enemy, he received a shot in his side, through an opening in his armour, and dropt from horseback as he rode off the field. He survived to write a concise and dignified account of his victory to James. With the loss of nine hundred of his men, two thousand of the enemy were killed or taken; and but for his untimely fate, not a man would have escaped. If he had survived to improve this distinguished victory, little doubt can be entertained that he would have recovered the whole of Scotland beyond the Forth. His party was prepared to take arms on the borders, and his progress southwards might have arrested William's attention and arms, till James was firmly established in Ireland. But his death was fatal to his party; and among the papers found on his body, a letter from Melfort, intimating that the indemnity was couched in such terms as might be broken or revoked by the king at pleasure, excited deep disgust at the insincerity of James<sup>14</sup>. A rude stone was erected on the spot, to mark his victory to future times. His memory was long lamented by

<sup>14</sup> Macpherson's Orig. Pap. i. 370—2. Balcarras.



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His army  
dispersed.

his party, and his name is still celebrated in their poetry, as the last of the Scots<sup>15</sup>.

On the first report of the defeat, while Dundee was daily expected to advance, the consternation was extreme. Government proposed to abandon the north, and to confine its forces to the defence of the Forth. Such unworthy counsels were rejected by Mackay, who returned within a few days after his defeat, and by a seasonable enterprise, surprised a detachment of the highlanders at Perth. The command of their army had devolved upon Cannon, an Irish officer, unacceptable to the clans; who knew not how to improve the victory obtained by their valour. He continued to coast along the Grampians, with an army increased to four thousand men, and was followed by Mackay; the one afraid to descend from the mountains, and the other to quit, with his cavalry, the advantage of the open plains. Returning to Dunkeld, by a secret march, he surrounded the regiment of Cameronians, whose destruction appeared so inevitable, that they were abandoned by a party of horse to their fate. But the Cameronians, notwithstanding the loss of Cleland their gallant commander, defended themselves amidst some slight enclosures against the whole army, with such desperate enthusiasm, that

August 21.

<sup>15</sup> See Pitcairn's Epitaph on Dundee, which Dryden has translated.



the highlanders, discouraged by the repulse, and incapable of persevering fortitude, dispersed and returned to their own homes ; nor did they resume their arms till the succeeding year <sup>16</sup>.

The sudden decline of a formidable insurrection, gave no intermission to the violence of factious discontent. From the abrupt and frequent prorogations of parliament, the exiles who had returned from Holland were apprehensive that there was no design to restore their forfeited estates. Even when episcopacy was utterly abolished, the presbyterians in general were impatient of delay, and from the refusal to redress entirely their grievances, they were suspicious of William's intention to re-establish their church. Their discontent was fomented by the intrigues and revenge of the disappointed Montgomery ; and under the designation of the club or country party, a regular opposition was already formed against the court. Notwithstanding the recess of parliament, a majority of the members were persuaded to concur in a remonstrance, enumerating the grievances of which redress was denied ; and upbraiding William, in terms of affected respect, with his choice of ministers from among their former oppressors. The proceedings of parliament were vindicated by Montgomery and Ferguson the plotter, with all the accustomed

<sup>16</sup> Mackay's Mem. 319—64. Balcarras. Macpherson's Orig. Pap. i. 371.



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October 15.

bitterness and asperity of Ferguson's pen<sup>17</sup>. —The remonstrance was presented by Montgomery, Annandale, and Ross; but the leaders of the country party were received with such marked displeasure, and the vindication was productive of such visible offence, that they despaired of regaining the confidence or favour of the king. The revolutions of a state are ever productive of fresh conspiracies; and when the mind is once released from habitual obedience, not only the adherents of the old, but the disappointed candidates under the new government are impatient for a change. The advantages denied by the one government, may be acquired from the other; and from the success of a great example, the perils of a conspiracy have become familiar to their minds.

1690. Before the new government has acquired stability and strength, they imagine that the old may be restored with the same facility, and by the same means, with which it was subverted. In these circumstances it is not surprising that the restless Montgomery was the first to conspire against the revolution which he had contributed to to produce. Ferguson's motives were probably those of a secret republican, who had acquired an habitual delight in plots, and was actuated rather by an aversion to monarchy than by any attachment to James. The Earl of Annandale and

<sup>17</sup> State Tracts, Tem. Gul. vol. iii.



Lord Ross, who had also promoted the revolution, were persuaded by Montgomery that the honours and the preferment from which they were excluded by the ingratitude of William, might be obtained by returning to the allegiance due to their lawful king. Their connexions with his partizans in England are imperfectly known; but their plots, as far as they have been discovered, were visionary and absurd. Montgomery, a violent fanatic, proposed to establish presbytery, by persuading the parliament to declare for James; and for that purpose projected a coalition between the Jacobites and the presbyterians; in order to disband the army by the refusal of supplies, and by resolving the parliament again into a convention, to restore their ancient government and their king. A correspondence was opened with James; and concessions which cost him nothing, were easily obtained. He agreed to a general indemnity and settlement of presbytery in its most rigid form; appointed Annandale his commissioner to the present parliament, created Ross and Montgomery Earls, and the latter Secretary of State for Scotland<sup>18</sup>.

Such fantastic plots might embarrass, but could never overturn a government: and the Jacobites easily discerned, that, to recall the late king, in a parliamentary manner, and without arms, was a

and coalition with the Jacobites,

<sup>18</sup> Balcarras. Annandale's Confession in Dalrymple's Memoirs, iii. 54.



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measure too extravagant to succeed. But if William should once be constrained to disband the army, by the refusal of supplies, and to dissolve the parliament in consequence of its extravagant demands, they considered justly that the kingdom might easily be recovered by an insurrection of the highlanders, aided by a timely descent from Ireland<sup>19</sup>. Their whole party were invited and urged to return to their seats, and the disgraceful scene that succeeded, when the parliament was resumed, marks how forcibly the influence of faction may control the moral, and religious principles of the human mind. The oaths to government merely professed, as in England, to be faithful, and to bear true allegiance to William and Mary, without an acknowledgment of their lawful title or right to the crown. To relieve the scruples of the conscientious, a distinction between a king *de facto*, and a king *de jure*, was thus humanely introduced; but there were few Jacobites who hesitated, by the grossest equivocation, to accept the oaths to the government which they meant to overturn, and to swear allegiance to William, whom they had conspired to dethrone. Their designs were carefully concealed from the presbyterians<sup>20</sup>, whom Montgomery persuaded that no-

<sup>19</sup> Balcarras, 85.

<sup>20</sup> Balcarras, 85. Balcarras affirms, that among the presbyterians the plot was confined expressly to Annandale, Ross, Montgomery, and Ogilvie, afterwards Lord Seafield. Some



thing more was intended, than to strengthen their interest in parliament against Melville and Stair. But the most violent measures were proposed, in order to render the presbyterians irreconcilable to William, from an assurance that he would never yield to their exorbitant demands.

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As the Duke of Hamilton, whose son was dissolved, deeply engaged in the plot, had been found untractable, Lord Melville was appointed commissioner to the parliament, which at first assumed a lowering and discontented aspect. Alarmed at the return of the disaffected members, and at their coalition with the presbyterians, he solicited additional powers; and in one article ventured to exceed his instructions. When the act of supremacy was repealed, the presbyterians began to confide in his sincerity, and to distrust the intercourse of their leaders with the Jacobites, whom they deserted daily in almost every vote<sup>21</sup>. The few Jacobites who refused the oaths, had disappointed their party of a majority in parliament, and on the return of a messenger from

historians have imagined, and James himself believed, that Argyle and other presbyterian lords were privy to the plot. Macpherson's Orig. Pap. i. 234. 399. Argyle was also suspected by William. Dalrymple, iii. 212. But he was active during the plot in securing Strahan, a messenger from James, and like the other presbyterians, he engaged only in the opposition, and was probably ignorant of the plot itself. Hist. Revolution, 212.

<sup>21</sup> Annandale's Confession; Dalrymple, iii. 57.



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James, they discovered that all honours and emoluments under the future government were engrossed by their associates, whose wild and fantastic plots they therefore abandoned in disgust. Nothing had been procured for Arran but an indemnity to his father: no forces had been solicited from Ireland to suppress their enemies if the parliament should be dissolved; and at that critical conjuncture, the seasonable defeat of the highlanders extinguished any rational hopes of success. They had resumed their arms, on the arrival of Buchan with officers, and with supplies from Ireland; but, on descending into Strathmore, they were surprised and dispersed by Livingstone; and the present Fort William was built by Mackay, to restrain their incursions<sup>22</sup>.

and disclosed to government.

When deserted by both parties, the three original conspirators, conscious and mutually suspicious of perfidy, hastened to anticipate each other by the earliest discoveries of their own plots. Lord Ross gave the first intimation to the queen. From a latent principle of honour, he refused to become an evidence against his associates, and was committed to the Tower. Montgomery, when informed of his departure for court, disclosed the whole correspondence to Melville. Unwilling or unable to name his confederates in England, he despaired of a full pardon; and after some years

<sup>22</sup> Balcarras, 89. 93.



spent in constant plots, he died in exile, of grief and vexation. Ferguson, an experienced plotter, was too wary to be convicted, even when betrayed by Annandale, whom he had secreted in London: but Nevile Pain, who had been employed as an agent from England, endured the question twice with a constancy disgraceful to Annandale the informer; and from the public indignation which it excited, he was the last man who suffered the torture in Scotland. But the humanity of William was desirous rather to prevent than to punish their designs; and there are few examples in history of a plot so extensive, being detected and suppressed without a single execution<sup>23</sup>.

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As the hopes of the conspirators were placed on the refusal of every popular demand, the redress of grievances became the more necessary in order to dissipate the plot<sup>24</sup>. The right of parliament was acknowledged, to appoint committees at pleasure, of an equal number from each estate. The officers of state were admitted to sit and deliberate, but without a vote; and instead of the domineering lords of articles, who were abolished for ever, separate committees were appointed, for supplies, elections, forfeitures, and for the government of the church. 1. Twenty-

Redress of  
grievances.

<sup>23</sup> Balcarras, 89. 93. Burnet, iv. 91. Annandale's Confession; Dalrymple.

<sup>24</sup> Id. iii. 201.



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eight monthly assessments were granted, amounting to a land-tax of an hundred and sixty-eight thousand pounds, to be levied in five years. The sixth penny of interest was voted for a year; but it was afterwards converted into a tax upon hearths, at a time when hearth-money was abolished in England at king William's request.

2. When the grievance respecting the manner and measure of representation was taken into consideration, a salutary addition of twenty-six members was made to the counties, in order to counterbalance the recent increase of the peerage.

3. The iniquitous sentences pronounced upon Jerviswood, Argyle, and others, were reversed according to the claim of rights, and their heirs were restored to their honours and estates. Forfeitures and fines incurred since the insurrection at Pentland were repealed; by a single act, upwards of four hundred attainted persons were restored by name; and the numerous sufferers under the late reigns were ordered to be indemnified by such as had obtained lucrative gifts of their estates or fines.

4. When the act of supremacy was repealed, the presbyterian ministers ejected by the prelates, were restored to their livings, and with such as they had admitted, or might thereafter admit, were invested with the full and exclusive government of the national church. A general assembly was appointed, for the expulsion of those episcopal clergymen whose doctrines were

Presbytery  
restored.



erroneous, or whose example was scandalous. The Westminster confession of faith was confirmed, as the test and standard of orthodoxy and of persecution; but the curse of excommunication was divested of every civil or penal effect. The severe and sanguinary laws against conventicles, the tests, and in general the oppressive acts of the preceding reigns, were repealed; but, the distinction between a king *de jure*, and a king *de facto* was abjured, by a new assurance to government. The covenants were judiciously overlooked or forgotten; and as the rights of patronage were abrogated, the presbyterian form of government was established in its full extent<sup>25</sup>.

The clergy who had been ejected at the restoration, and of whom not above threescore survived, were inclined to moderation from their age and experience. But the ministers whom they had admitted were violent, and often illiterate preachers, ordained in secret, during the persecuting triumph of prelacy, against which they were inspired with the most vindictive zeal<sup>26</sup>. Neither the preservation of their order and authority, nor their sour and illiberal temper, exasperated by thirty years of persecution, nor their sudden sense of independence, after subsisting hitherto on the voluntary, though precarious

Abrogation  
of patro-  
nage.

<sup>25</sup> Minutes of Parl. MS.

<sup>26</sup> Burnet, iv. 42. 92.



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oblations of the faithful, permitted them to listen to the moderation recommended by William, or to retain such of the episcopal clergy as might submit to their discipline and confession of faith. In their presbyteries, and in the general assembly, they proceeded with the most indecent violence, and often on the most frivolous pretexts, to exclude the episcopal incumbents from the circumscribed and narrow pale of an orthodox church<sup>27</sup>. From their indiscreet and intolerant bigotry, the king began to repent of his concessions. Such was the peculiar infelicity of his reign, that every concession to the presbyterians alarmed and awakened the jealous clamours of the English church; every concession in Scotland to the episcopal dissenters, offended the presbyterians; and each suspected that he was indifferent or secretly adverse to their established sect. But he complained with reason, that his commissioner had exceeded his instructions in abolishing patronage, which was properly no innovation upon the constitution of the Scottish church. It had subsisted as a right, though protested against as a grievance, from the beginning of the reformation, till the death of Charles I. when the choice of the ministers was first transferred to the congregation, and their admission to the presbytery, on a popular election or call. This privilege was restored at present

<sup>27</sup> Skinner, ii. 562.



with some reservation. The rights of patronage were to be purchased by the parishes at an inconsiderable rate, and the ministers proposed by the elders and landholders, were to be approved or rejected by the congregation at large. The dissent of the congregation was reviewed by the presbytery; and thus, as the elders were ever more numerous than the landlords, the influence of the clergy never failed to determine the election. But the clergy were not relieved from the necessity of low flattery and unbecoming compliance; on the contrary, their influence over the people induced them to cultivate the most popular arts: grace and zeal were invariably preferred to moderation and learning; and to determine the choice of a fanatical people, it was necessary that the clergy should become fanatics themselves. Their fanaticism reacted on each other; while the king was deprived of the influence of the patrons to prevent the expulsion of the episcopal incumbents, and to restrain or to temper the intolerance of the presbyterian clergy<sup>28</sup>.

But the satisfaction with which the re-establishment of presbytery, and the redress of grievances had inspired the people; the security derived from the detection of the plot, and the praise of clemency that was due to government, were effaced

<sup>28</sup> Burnet, iv. 89. Carstairs, 45. Parl. 1690. ch. 23.



BOOK  
X.1690.  
Pacifica-  
tion of the  
highlands  
attempted.

by a barbarous transaction, not inferior to the worst event in the preceding reigns.

On the departure of William for Ireland, to dispossess James of his last kingdom, a plan was suggested, for the security of Scotland, by persuading the highlanders to submit to government, on sums of money being distributed among the clans. The arrival of Buchan, and the expectations entertained from Montgomery's plots, had prevented its success. The episcopal lords who repaired to court on the king's return, to implore a pardon, endeavoured to extenuate their concern in the plot, by their apprehensions from the presbyterians; they promised to support the established government if protected from the fury of Melville's party; and engaged to appease the disorders of the highlands, if the remainder of their clergy were preserved from expulsion. Although nothing could be more insincere than their promises, the Earl of Melville was gently displaced with his friends. Sir John Dalrymple, the master of Stair, was appointed secretary; the Earl of Tweeddale, chancellor; the Earl of Lothian commissioner to the assembly, which was soon dissolved; and by a political mistake that disgusted the presbyterians, some of the late plotters were admitted into administration, while they continued secretly devoted to James. The Earl of Breadalbane, whose influence was extensive in the highlands, was entrusted with twelve thousand



pounds to reconcile the chieftains, or rather to purchase a cessation of arms. That insidious and interested nobleman, void of attachment either to James or to William, employed his emissaries to persuade the clans that to submit to government, till a fairer opportunity should occur to resume their arms, was the most acceptable service which they could perform to the court of St. Germain<sup>29</sup>. Suspicious, however, that he meant to appropriate the money to himself, the highlanders rose in their demands, and betrayed his advice to government; but it was discovered that they had themselves sought permission from James to capitulate, with a design to resume their arms again at his command. A severe proclamation was therefore issued in the month of August. They were required to submit to government, and to receive the oaths and a free pardon before the first of January; and to enforce the penalty of military execution, a winter campaign was projected through the highlands. A plan suggested by Breadalbane, was adopted by the cruel policy of Dalrymple; to extirpate every clan in Lochaber that refused, or neglected to submit upon the appointed day. When the day approached, the chieftains were intimidated, or perhaps apprized of their danger; and hastened to disarm the re-

<sup>29</sup> Burnet, iv. 107—26. Macky's Characters and Mem. Lond. 1733.



BOOK  
X.

1691.

sentment of government by their timely submission. Buchan's and Dundee's officers were permitted to capitulate, and were transported to France, where they were reduced to a company of private soldiers; and from the indigence and the hardships sustained during their gallant services in Catalonia and Alsace, few of these unhappy exiles survived to revisit their native country<sup>30</sup>.

Military  
execution  
concerted.

1692.

The last man to submit to government was Macdonald of Glenco. Towards the end of December he applied to the governor of Fort William, who refused, as not being a civil magistrate, to administer the oaths: but dispatched him in haste, with an earnest recommendation to the sheriff of Argyle. From the snows and other interruptions which he met with on the road, the day for appointed submission had elapsed, before he reached Inverary, the county town. The benefit of the indemnity was strictly forfeited; the sheriff was moved, however, by his tears and entreaties, to receive his oath of allegiance, and to certify the unavoidable cause of his delay. But his oath was industriously suppressed, by the advice particularly of Stair the president; the certificate was erased from the list presented to the privy council; and it appears that an extensive

<sup>30</sup> Memoirs of Dundee's Officers in France. Carstairs, 137—40. Dalrymple, iii. 210. Ralph, ii. 331.



combination had been formed for his destruction. The Earl of Breadalbane, whose lands he had plundered, and whose temporizing advice he had betrayed to government, was inured to the most atrocious massacres by the execution of letters of fire and sword against the Earl of Caithness, whose estate and titles he had formerly usurped. Dalrymple, the secretary, had imbibed the bloody spirit of Lauderdale's administration; and, instigated by Breadalbane's resentment, he expressed the most savage joy at an opportunity to extirpate a thievish clan. They persuaded William that Glenco was the chief obstacle to the pacification of the highlands. Perhaps they concealed the circumstance that he had applied within due time for the oaths to government, and had since actually received them. But they procured instructions, signed, and for their greater security, countersigned by the king himself, to proceed to military execution against such rebels as had rejected the indemnity, and had refused to submit upon assurance of their lives. As these instructions were found insufficient, they obtained an additional order, signed, and also countersigned, by the king, "that if Glenco and his clan could well be separated from the rest, it would be a proper vindication of public justice to extirpate that sect of thieves." But the directions given by Dalrymple far exceeded even the king's instructions.



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1692.

In his letters to the commander in chief, he recommended the cold and long nights of winter as the season fittest for execution, when the highlanders could not escape to their hills with their wives and children; and when the human constitution was unable to exist without shelter; he regretted that the other clans in Lochaber had disappointed his vengeance, by their timely submission; directed with the local knowledge which he derived from Breadalbane, that the passes to Glenco should be securely guarded; and exhorted even the subordinate officers to be sudden and secret in the execution of the plan; and not to trouble the government with prisoners, nor to destroy the cattle and houses, which might render the people desperate, unless the whole clan were utterly extirpated. Such atrocious sentiments, uttered as usual with an ardent zeal for the public service, were communicated to the officers with full effect<sup>31</sup>.

Massacre  
of Glenco.

Glenco, assured of an indemnity, had remained for a month unmolested at home, when a detach-

<sup>31</sup> Enquiry into the Massacre of Glenco; State Tracts, iii. Somers's Coll. xv. Memoirs of the Massacre of Glenco. See in Captain Creighton's Memoirs, by Swift, an instance of letters of fire and sword against Macdonald of Keppoch, issued by the privy council a few months before the revolution. The orders were, to destroy men, women, and children, and to burn the houses and corn, &c.; and two hundred of the military were employed in this expedition.



ment arrived from Fort William, under Campbell of Glenlyon, whose niece was married to one of his sons. The soldiers were received on assurance of peace and friendship; and were quartered among the inhabitants of the sequestered vale. Their commander enjoyed for a fortnight the daily hospitality of his nephew's table. They had passed the evening at cards together, and the officers were to dine next day with his father. Their orders arrived that night, to attack their defenceless hosts while asleep at midnight, and not to suffer a man, under the age of seventy, to escape their swords. From some suspicious circumstances, the sons were impressed with a sudden apprehension of danger, and discovered their approach; but before they could alarm their father, the massacre had spread through the whole vale. Before the break of day, a party, entering as friends, shot Glenco as he rose from his bed. His wife was stript naked by the soldiers, who tore the rings with their teeth from her fingers; and she expired next morning with horror and grief. Nine men were bound and deliberately shot at Glenlyon's quarters; his landlord was shot by his orders, and a young boy, who clung to his knees for protection, was stabbed to death. At another part of the vale the inhabitants were shot while sitting around their fires, women perished with their children in their arms; an old man of eighty was put to the sword; and another, who



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escaped to a house for concealment, was burnt alive. Thirty-eight persons were thus inhumanly massacred by their guests and inmates. The rest, alarmed by the report of musquetry, escaped to the hills, and were only preserved from destruction, by a tempest that added to the horrors of the night. While the end of the Glen was guarded by Duncanson, with a detachment from Fort William, Hamilton the colonel, to whom the superintendence of the whole plan was entrusted, had advanced with four hundred men to secure the eastern entrance, and to complete the massacre; but from the inclemency of the night, he was retarded beyond the appointed hour. When he entered the Glen at noon, an old man was the only victim that remained. But the carnage was succeeded by rapine and desolation. The cattle were driven off or destroyed. The houses, in order to fulfil Dalrymple's instructions, were burnt to the ground; and the women and children, stript naked, were left to explore their way to some remote and friendly habitation, or to perish in the snows<sup>32</sup>.

Universal  
outcry  
against it.

The outcry against the massacre of Glenco was not confined to Scotland; but by the industry of the Jacobites, it resounded through Europe with every aggravation<sup>33</sup>. Whether the inhuman

<sup>32</sup> Enquiry into the Massacre. Memoirs of the Massacre. Burnet.

<sup>33</sup> When the orders were published in the Paris Gazette,



rigour, or the perfidious execution of the orders were considered, each part of the bloody transaction discovered a deliberate, treacherous, and an impolitic cruelty, from which the king himself was not altogether exempt. Instead of the terror which it was meant to inspire, the horror and universal execration which it excited, rendered the highlanders irreconcilable to his government, and the government justly odious to his subjects. His friends endeavoured, by the plea of inadvertence and haste, to transfer the blame to his ministers; and his ministers were equally earnest to vindicate the orders as strictly legal; or as analogous to letters of fire and sword, which the privy council had been accustomed to grant. But when a second order, signed and countersigned by the king with such unusual precaution, is combined with the impunity which his ministers enjoyed, no doubt can remain, that, however, the execution might exceed his intentions, the measure was not concerted without his knowledge and previous consent. No inquiry was made at the time, no punishment was inflicted afterwards, on the authors of the massacre. On the contrary, it is asserted that the officers most active in the execution were preferred. The best, and perhaps the just explanation of the transaction is, that Dalrymple deliberately remarks, that all that could be said was, that in the execution it was neither so full nor so fair as might have been. Enquiry, &c.



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1692.

William, beset with ministers inured to the sanguinary measures of the former government, was betrayed for once into an act of cruelty inconsistent with his character, and with the mild and merciful tenor of his reign.

Sept. 18.  
Session of  
parliament.

The parliament, which had hitherto been deferred, on account of the discontent excited by the massacre of Glenco, was at length assembled, in order to provide troops and supplies. The Duke of Hamilton was appointed commissioner; and the session was conducted by Johnson the secretary, a younger son of Wariston, with consummate prudence and address. By the seasonable detection of the correspondence of Pain, who conducted the intrigues of the Jacobites from the recesses of his prison, the presbyterians were alarmed at the danger of a plot, and were reconciled to government by some partial alterations.

1693.

The Jacobites were deterred from opposition; and from their mutual apprehensions, the inquiry into the massacre of Glenco was suppressed. An additional land-tax, capitation and excise, were provided for the support of six thousand additional troops. The assurance to government was imposed upon church and state. All correspondence with France, however innocent, was converted into treason: but Pain, whose correspondence occasioned these acts, was preserved from trial by a secret intimation given to Hamilton and others, that he might obtain a pardon,



if condemned, by an ample discovery of the participation of their relations and friends in his plots<sup>34</sup>.

The corruption of justice, during the preceding reign, excites no surprise. But the glory which the nomination of pure and upright judges reflects upon William, was confined to England; nor is it sufficient to ascribe to political animosities the outcry of all parties against Lord Stair, as president. The evil of which they complained, may be estimated from the milder remedies to which the indignation of parliament was with difficulty restrained. Its own minutes had been repeatedly falsified by Tarbat, lord register. Orders that had never been made were inserted in private causes depending in parliament<sup>35</sup>; and it would appear that the same frauds had been employed to alter, and pervert the judgments of the court of session. Under the decent pretext of preventing mistakes, the clerk was enjoined to prepare, and the chancellor, or the presiding judge, to subscribe its *interlocutors*, as soon as they were pronounced, and in the presence of the court. That these mistakes, however, were neither accidental, nor of a venial nature, is sufficiently manifested by the penalty of deprivation,

<sup>34</sup> Carstairs's State Papers, 154—8, 9. Ralph, ii. 426. Burnet, iv. 176. Parl. 1693. ch. 2, 3. 6. 8, 9.

<sup>35</sup> Carstairs, 153—67—9—72—81.



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1693.

to be inflicted on such high officers as the chancellor and president, as well as by the nullity of whatsoever sentences were otherwise signed. For the greater dispatch of business, each judge was required to officiate as ordinary, and to confine himself to the outer-house in weekly rotation; but the reason was explained in the act, that on his irregular attendance in the inner-house, either party, suspicious of his influence, and partial interference, might decline his authority as a judge<sup>36</sup>. By a strange abuse, the judgments of the courts, both of session and of justiciary, had been pronounced or concerted in private, when the parties were withdrawn; and in order to reduce the judges under the salutary influence of public opinion, they were ordered to deliberate with open doors. But the anxious precaution of parliament to reform the administration of justice, demonstrates rather the extent of the evil than the efficacy of the cure<sup>37</sup>.

<sup>36</sup> Each of the fourteen subordinate judges sits in rotation, as ordinary in the outer-house, to determine causes, in the first instance, before they are brought under the review of the whole court. The prohibition was directed against his attending, or being called in by the president, to determine a doubtful question in favour of a friend. The prohibition was obviously inadequate; as the president might delay the cause till the ordinary's week had expired, or till a judge, whose opinion was adverse to his own, were employed as ordinary.

<sup>37</sup> Parl. 1693, ch. 18, 19. 21. 26, 27. Secretary Johnson writes to Carstairs on the perversion of justice. "Mr. Ste-



At the same time, the parliament was not inattentive to the peace of the church. On accepting the oaths to government, such of the episcopal clergy as should subscribe the confession of faith, and acknowledge presbytery to be the only legal establishment, were appointed to be admitted by the next assembly into the government of the church; or, on the refusal of the assembly, were to be received under the protection of the crown. The episcopal clergy, elated by the introduction of their party into office, imagined that the king was entirely their own; and expecting nothing less than to supplant the presbyterians, they neglected to qualify to government within the appointed time. The law that was intended for their protection might have proved their ruin; but, to the surprise of the presbyterians, they were still protected and preserved in their livings. The last assembly had been abruptly dissolved;

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1693.  
Ecclesiastical  
affairs.

venson will tell you the instance of the nation's aversion to the session, that all parties agree in that. An honest man knows not what colours to give to the concern that appears to support an established perversion of justice. I should sleep sound were I assured the king would defeat the French, as it is evident whoever pays well some lawyers, do infallibly carry their cause," &c. Carstairs, 184. See also 174. Balcarras ascribes the Duke of Hamilton's opposition to Stair, to the desire of filling the bench with dependents, as he had a number of law-pleas in hand. It is not where impartial justice is administered, that we complain of the judges, or endeavour to corrupt them.



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1694.

but the clergy had proceeded to dissolve themselves in the name of the church. The king was persuaded, by an insidious advice, to exact the assurance to government from the approaching assembly, to whom it was little less intolerable as an Erastian usurpation, than to the episcopal clergy as a solemn disavowal of hereditary right. The commissioner was instructed to dissolve the assembly if the assurance should be refused; the clergy were prepared to sit and to assert their independence on the civil magistrate. The consequences were mutually deprecated as ruinous; but in this perplexity they were relieved by the timely interposition of Carstairs, who persuaded the king to countermand the oaths; and, as a mark of gratitude, the assembly adopted the act of comprehension, to which, however, the episcopal clergy refused to accede<sup>38</sup>.

Influence  
and cha-  
racter of  
Carstairs.

During a series of campaigns unconnected with our history, William, from his frequent absence on the continent, became remiss and inattentive to the affairs of Scotland; the direction of which was consigned by the Earl of Portland to Carstairs, who had formerly endured the torture. From his silence then respecting some important secrets with which he had been entrusted by Fagal, he became confidential chaplain to the

<sup>38</sup> Parl. 1693, ch. 22. Burnet, iv. 127—76. Carstairs, 58. Brown's Church Hist. ii. 326—9.



king, and henceforth is to be considered as first minister of state. All applications passed through his hands; all employments, honours, and offices of state, were left to his disposal; and, without public responsibility, he engrossed the secret direction of public affairs. Few Scotsmen obtained access to the king, unless through his intervention; and it is curious to remark, in his correspondence with every department, how the haughty nobility were content to stoop and truckle to a presbyterian clergyman, whom their predecessors in office had tortured and deceived. His moderation, secrecy, and a prudence apparently disinterested, recommended him to William: but he is represented as a cunning, subtle, insinuating priest, whose dissimulation was impenetrable; an useful friend when sincere; but, from an air of smiling sincerity, a dangerous enemy<sup>39</sup>. His ascendancy commenced before Dec. 28. the queen's death; and, amidst every change of administration, his influence continued entire during the remainder of the reign.

On the death of Hamilton and Queensberry, 1695. Parliament, May 9. the Marquis of Tweedale was appointed commissioner to parliament, which was never summoned except to provide supplies. The money voted for

<sup>39</sup> Macky's Characters, said to have been written by Mr. Davis, an officer in the customs. Swift affirms, that "it is a true character, but not strong enough by a fiftieth part." Nichols's Edit. of Swift, v. 181.



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1695.

new levies, but not appropriated in the former session, had been ungenerously diverted to other purposes; and the troops intended for internal defence, were employed to recruit the regiments abroad. The nobility were thus disappointed of commissions for themselves and their friends. The people were disgusted at William's supine inattention to the affairs of Scotland; and an inquiry into the massacre of Glenco was so loudly demanded, that some extraordinary concessions were required from the crown. An inquiry was no sooner proposed, than the parliament was informed that a commission had been issued to investigate the circumstances of the massacre; and thanks were returned for a measure which was obviously intended to supersede a public examination, and to screen the offenders from public justice. By the artifices of the ministers to supplant a rival, the result of the inquiry was reported to parliament at its repeated request; and after a diligent investigation, the guilt of the massacre was transferred to Dalrymple. The king was literally tried, and acquitted, by a vote, that his instructions contained no warrant for the slaughter; but the offenders, instead of being surrendered to public justice, as the parliament had requested, were pardoned or preferred. The necessary supplies and levies were then provided. The episcopal clergy, on accepting the oaths to government, were permitted to remain exempt



from the jurisdiction of presbyteries, and an hundred and sixteen, who were persuaded to qualify, retained their livings under the protection of the king<sup>40</sup>. But these grants and compliances of parliament were dearly purchased, by a concession of which William afterwards had reason to repent.

When the charter of the English East India company was renewed, the opposition of numerous merchants, desirous of a free, or of a more extensive trade, suggested to Paterson, a director of the Bank of England, the most extensive schemes for the aggrandizement of Scotland. It is said, that this obscure Scotsman was originally a buccaneer, who had acquired the spirit of romantic adventure from his association with this desperate race of men. It is certain, that he was the first projector of the Bank of England; but was defrauded of a recompense by those men who adopted his plans<sup>41</sup>. His resentment concurred with his patriotism, to confine his future schemes to his native country, through which he persuaded the disappointed merchants that a share might still be acquired in the Indian trade. Without explaining perhaps the particulars of his designs, he represented to the Scottish ministers that a foreign trade might be concentrated, and

African  
and Indian  
company  
established.

<sup>40</sup> De Foe's Hist. Union, 72. Burnet, iv. 177. 217. Carstairs, 203. State Tracts, iii. Parl. 1695, ch. 27.

<sup>41</sup> Burnet, iv. 230. Ralph, ii. 478—81.



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fixed in Scotland by a foreign capital ; and a plan that promised to enrich the country was eagerly embraced. The massacre of Glenco was not yet expiated ; and in order to soothe the parliament, and to reconcile its members to the king's demands, the commissioner was authorized to assent to acts for the encouragement and extension of commerce, without any detriment however to the trade of England. But an act was passed to erect a trading company to Africa and the Indies ; with permission to establish colonies, towns, or forts, in places not inhabited or possessed by European powers ; and with an exemption from all duties for the space of twenty-one years. A national bank, which has proved a more beneficial institution, was also created ; but for some years the African or Indian company was the exclusive object that engrossed the annals and the attention of Scotland. The religious disputes of the former age had begun to subside. When the people, relieved from the tyranny of their hereditary sovereigns, began to contemplate their comparative situation, the genius of the whole nation underwent a sudden and surprising change. Their country appeared to be poor and contemptible to the rest of Europe. The reason was considered as obvious, that it was the only maritime country inattentive to trade. The removal of the court, and the frequent resort of the nobility to England, were supposed to



impoverish the kingdom, or to prevent the gradual accumulation of a capital for the exercise of industry: and while other nations were rapidly progressive in arts and commerce, Scotland appeared to be stationary or retrograde since the union of the crowns. The benefit derived by Holland from her Indian trade, and by England from her colonies since the reformation, roused the attention and envy of the Scots; and when a commercial spirit was first excited by Paterson's schemes, like a gamester who contemns the slow returns and accumulation of profits, they languished for the sudden influx of national wealth.

It was Paterson's original and ostensible design, to establish an East Indian trade in Scotland, to which foreign merchants, impatient of the exclusive companies established in England and Holland, might be invited to subscribe. Neither the stock for trade, nor the market for sale, was to be found in Scotland, where a small part of the profits could be expected to remain. An inconsiderable company, such as was afterwards transferred from Ostend to Sweden, might have subsisted by underselling those large societies, whose monopolizing spirit, and expensive management, have ever required the most exuberant profits. But a secret and more magnificent plan was engrafted by Paterson on his original designs. During his voyages with the buccaneers he had probably visited the isthmus of Darien, of which a consider-

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Settlement  
at Darien  
projected.



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able part remained unoccupied, or, as he conceived, unappropriated by the Spaniards, and was inhabited by tribes of independent Indians, hostile to their name. On each side of the isthmus, he proposed to establish an emporium for the trade of the opposite continents. He conceived that the manufactures of Europe, and the slaves of Africa, transported to the gulph of Darien, and conveyed by land across the ridge of mountains that intersects the isthmus, might be exchanged for the produce of Spanish America, and for the rich merchandise of Asia, when imported to the gulph of St. Michael, or to the river Sambo, in the bay of Panama. The same trade-winds that wafted the European commodities across the Atlantic, would carry them across the Pacific ocean to Asia. The ships from each continent would return with the produce of the other continents, while the ships from Europe would return loaded with the produce of both the Indies. To unite the commerce of the two Indies, by a colony planted in the isthmus of Darien; or, as he expressed it himself, to wrest the keys of the world from Spain, was certainly the conception of no vulgar mind. It may be compared with Alexander's great and most successful design, of establishing a mart in Egypt, through which the commerce of India might flow for ages; and was worthy of Spain to execute, if Spain had been a free and enlightened nation. But the schemes of



Paterson were addressed to one of the poorest nations in Europe, and recommended by immediate advantages more attractive to the Scots. He represented the natural fertility of the soil, as adapted to the most valuable productions of the tropical climates, and the mines of gold with which the isthmus abounded, as sufficient to gratify their most insatiate desires. With a wiser policy, he proposed to render the colony a free port; where no distinction of party, religion, or nation, should prevail. His schemes were communicated to a select number; and as they came to be gradually suspected, or were suffered to transpire, the commercial ideas of the Scots were expanded, and they began to grasp at the riches of both the Indies<sup>42</sup>.

But the schemes of Paterson, however splendid or successful, were unsuitable to Scotland, or to the circumstances perhaps of any nation not possessed of extensive settlements both in the west and in the east. Before a state engages in schemes of distant colonization, its capital ought to be sufficient not only to cultivate and improve its lands, but to manufacture the produce for domestic consumption, and to transport the surplus to a foreign market. But the rude produce of Scotland was generally transported in Dutch barks. There was no capital for its manufacture,

<sup>42</sup> Darien Papers, MS. Adv. Lib. Collection of Papers concerning Darien, Anno 1701. p. 22.



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even for home consumption, much less for the proper cultivation and improvement of the soil. That capital which has since increased from the quick returns of a trade nearer home, must have been absorbed and lost in the settlement of Darien, the profits of which would have been remote and circuitous, and the probable demands of which the manufactures of the country were then unable to supply. Instead of supporting domestic industry, a trade consisting of foreign manufactures, conducted even by a national capital, would have left nothing but the profits to be spent in Scotland. A premature attempt to colonize must have deprived the nation even of that capital, by its very success. The settlement and plantation of Darien must have drained the country of its most active and industrious inhabitants, of its funds and credit; while the wealth that returned, would have departed through a thousand channels to the neighbouring nations, whose manufactures supplied its consumption and trade. The colony perhaps might have succeeded; but the capital that was withdrawn from domestic industry, and lost to the country, must have retarded, if it did not prevent, the accumulation of stock; and Scotland might have still continued stationary and uncultivated, without industry or even the means of improvement.

Opposed in  
England,

Such consequences were then imperfectly understood; but more obvious difficulties occurred,



which Paterson, with the presumptuous ardour of a projector, had neglected to estimate. A joint stock of six hundred thousand pounds was proposed to be raised, in equal proportions, for England and Scotland. Such was the reputation with which the African, or Indian company, began its career, that within nine days three hundred thousand pounds were subscribed in London, where ten English directors were appointed to reside. But the commercial jealousy of the Dutch and English East India companies was immediately excited: the West India merchants caught the alarm; and all the bitterness of national animosity was at once revived. The two houses of parliament concurred in a violent and absurd address; that from the vast immunities conferred upon the African and Indian company, the stock and shipping of England would be transferred to Scotland, which might become a free port for the commodities of the east; that the English would be expelled from the foreign markets by the competition of the Scots, and their exemption from duties, and undersold by a clandestine importation at home; and that if Scotland were once permitted to acquire a settlement in America, the colonial trade of England would be utterly lost. The king replied, that he had been ill served in Scotland, but that some remedy might still be found to prevent the inconvenience. His ministers, the Marquis of Tweeddale, who did

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not long survive, and the two secretaries, Johnson and Dalrymple, were immediately dismissed. But the commons proceeded to inquire by what means the act had been obtained in the Scottish parliament; to examine what subscriptions had been procured in London; and to impeach the directors in each kingdom for administering an oath of fidelity in England. The adventurers, intimidated at these furious proceedings, withdrew their subscriptions, and relinquished their design<sup>43</sup>.

1697.  
and at  
Hamburgh.

On the disavowal of their Indian company by William, the indignation and resentment of the Scots were excessive. The invidious opposition of the English confirmed their hopes; and as the act of which the king disapproved, could neither be recalled nor suspended, they determined to proceed. Four hundred thousand pounds were immediately subscribed, with such ardent zeal, that the covenant itself was never more eagerly embraced. The nobility, the gentry, and the merchants, every borough, and almost every family of distinction in the kingdom, hastened to subscribe their name and credit, and to contribute their funds, to the first of those ruinous projects, or national bubbles, which were afterwards repeated in the South Sea and in the Mississippi schemes, both in England and in France. As they were distrustful, however, of their own resources, they

<sup>43</sup> Darien Papers, MS. Ralph, ii. 623.



determined to reserve a third part of their capital for foreigners. On Paterson's application, two hundred thousand pounds were subscribed at **Hamburgh**; but the company was still pursued by the commercial jealousy of the English and Dutch. Sir Paul Rycant, the English resident, presented a memorial to the senate, threatening the city with his master's resentment; and notwithstanding a spirited answer, the merchants withdrew their subscriptions in order to avert his displeasure from a free state. The company petitioned in vain for redress; nor were these the only discouragements which it sustained. An absolute famine had desolated Scotland, from the failure of the harvests during the three preceding years. Many families perished for want; many were driven to Ireland for subsistence, and the country was drained and impoverished by the exportation of large sums for the purchase of grain<sup>44</sup>. Nothing else than the national pride or honour, piqued and indignant at the opposition of the English, could have incited the Scots, under such multiplied discouragements, to persist in the scheme. Five large frigates, built or purchased for the company at **Hamburgh**, were fitted out with a cargo of merchandise, military stores, and provisions; and a colony of twelve hundred men, of whom three hundred were gen-

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1697.

1698.

Scots per-  
sist in their  
scheme.

<sup>44</sup> Carstairs, 385—7--91. Fletcher's Discourses. Burnet, iv. 261. Vindication of Darien, 39.



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X.  
1698.

July 30.

Opposed  
by the king.

tlemen, was destined for the settlement of New Caledonia, on the isthmus of Darien. Their future government was vested in a colonial assembly, and in a council of seven persons distinct from the company, which reserved a twentieth part of the lands, metals, precious stones, and pearl fisheries, and stipulated for an annual return of seven thousand pounds sterling for the use of the shipping and military stores. As the hopes of the whole nation were placed on an enterprise, the greatest which Scotland had ever undertaken, an address was voted in a session of parliament, to which Sir Patrick Hume, created Earl of Marchmont and chancellor, had been appointed commissioner, representing the obstructions so invidiously created at London and Hamburgh, and demanding the protection of the king, in order to vindicate those privileges which the company had obtained<sup>45</sup>.

The situation of William, at the head of nations whose commercial and political interests were often discordant, was undoubtedly perplexing, and every concession of trade in Scotland must have proved alarming and offensive to the English and Dutch. But the settlement at Darien, which began to be generally suspected, was irreconcilable with the vast designs which he meditated for the partition of Spain. To oppose the dan-

<sup>45</sup> Carstairs, 315.—92. Darien Papers, MS. Collection of Darien Papers.



gerous aggrandizement of the house of Bourbon, was the uniform object of his life and reign. To prevent its succession to the whole of the Spanish monarchy, the partition treaty had been concerted with Louis XIV.; but the settlement of the Scots at Darien, must have incensed the Spaniards as the first step towards its execution; and the French, as a perfidious departure from its terms. In these circumstances William might have refused his protection to the company, but was scarcely justified in obstructing its success; much less in accelerating its ruin. But the Jacobites had acquired the chief share and direction in the Darien company; and accustomed to consider Scotland as an appanage subservient to the interests of England, he suspected that their design was to render him odious to his other subjects, and to involve him prematurely in a rupture with Spain. In return to the addresses of the parliament and the company, he complained that he had not been consulted on the expedition; and when its destination was explained, instructions were privately dispatched to exclude the Scots from all access to the English plantations<sup>46</sup>.

Their fleet had coasted around the north of Scotland, and after a short delay at Madeira, continued its course to the gulph of Darien. The

Settlement  
attempted  
at Darien:

<sup>46</sup> Id. 34. Ralph, ii. 817.



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place of their destination was Acta, at an equal distance between Porto-bello and Carthagená, on the coast opposite to the isle of Pines, where they found a secure and capacious harbour, formed by a peninsula, which they fortified, and named Fort St. Andrew's, from their tutelary saint. But the lands were first purchased from the native princes, and by a specious example of moderation and justice, unknown to the new world, they proposed to establish a better right and title to the country than the Spaniards had possessed. New Edinburgh, the intended capital of New Caledonia, was proclaimed a free port, open to all nations; and their first dispatches to the company contained the most flattering accounts of the soil and climate. Their arrival, in the beginning of winter, happened at the most temperate and healthful season in the tropical climate, when the air was cool, serene, and refreshing, and when the rich and luxuriant soil was no longer deluged with the rains attracted by a vertical sun. But the company had already been defrauded by its directors and servants, and the provisions brought from Scotland, were insufficient for the colony, and were soon consumed. The gentlemen who had embarked as settlers, were unused to labour. The constitutions of the peasants, inured to a cold and mountainous region, were unequal to the fatigue of clearing the ground. When the sun re-



turned from the further tropic, the colony melted away from improper food, and from the diseases incident to a sultry, damp, and unwholesome climate, where it rains almost incessantly during two thirds of the year. No sloops were provided to distribute their cargoes, in exchange for provisions, through the West India Islands; nor were the cargoes properly adapted for sale. The Spaniards who attacked their infant settlement, were repulsed with loss; but one of their vessels was stranded and seized at Carthagena, on its voyage to Barbadoes, and the crew were imprisoned and condemned as pirates. A vessel dispatched with provisions from Scotland, was accidentally burnt at sea. When in this critical situation, the colony relied for subsistence on its trade with the English, proclamations were issued at Jamaica, Barbadoes, and in the American plantations, to prohibit all intercourse with the Scots, whose settlement at Darien was termed an infringement of the alliance and peace with Spain. At home, the most violent remonstrance was presented by the Spanish ambassador. The French king, in order to conciliate the court of Madrid, offered a squadron to dispossess the Scots. At the end of eight months, the remainder of that ill-fated colony was constrained, by disease and famine, to abandon their settlement, and to embark for Europe; but in the West Indies and in North America, their ships were either denied

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1698.

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Abandoned  
by the colony.  
June 21.



BOOK  
X.1699.  
Settlement  
resumed,  
and again  
abandoned.

access to the English harbours, or were detained when admitted<sup>47</sup>.

Before the evacuation of Darien was reported, a second and a third expedition had sailed from Scotland, not inferior to the first in numbers<sup>48</sup>. The company renewed their applications to the king for protection. In opposition to the memorial of the Spanish ambassador, they maintained that a legitimate purchase from the native princes, who had still preserved their independence, and the rights of possession, was a title far preferable to the preoccupation of a country which the Spaniards were unable to conquer, and which they had afterwards relinquished. But when it was understood in Scotland, that in consequence of the proclamations in the Leeward Islands, the settlement had been abandoned, the whole nation was struck with consternation and despair. To recede was impossible, without utter ruin: the most vigorous orders to repossess the country were dispatched in quest of the second colony, and the settlement was resumed, under the same circumstances of disease and famine. The new colony found the huts burnt, and the forts demolished; but the difficulties of their situation, in a country that furnished no provisions for their

<sup>47</sup> Pamphlets on Darien. Collect. concerning Darien, 122—43.

<sup>48</sup> Two ships sailed in May with three hundred men, four others in September with thirteen hundred. Darien Papers.



support, nor any returns for Europe, were in-  
 creased by dissensions among themselves. Within  
 three months after their arrival, they were at-  
 tacked by the Spaniards. Twelve hundred men  
 who advanced from Panama, were easily dis-  
 persed ; but a squadron of eleven ships from  
 Carthagena forced them to capitulate, on per-  
 mission to embark for Europe with all their  
 effects. Their ships were unprovided for such a  
 long voyage, and of three successive colonies that  
 arrived at Darien, few survived to return to Scot-  
 land<sup>49</sup>.

BOOK  
X.1699.  
Feb. 24.

March 18.

Ferment of  
the nation.

For a time the nation was soothed and pleased,  
 with the hopes of repossessing its favourite set-  
 tlement ; and the apprehensions of utter ruin had  
 begun to subside. But the public indignation at  
 government was heightened ; and the most cla-  
 morous efforts of rage were employed to extort  
 from William a confirmation of the national right  
 to Darien. In the hands of the Jacobites, who  
 had insinuated themselves into the management  
 of the company, the court of directors acted as a  
 powerful engine in opposition to government.  
 Public prayers were appointed at their request,  
 by the commission of the general assembly, to  
 avert, or rather to exasperate, the calamities of  
 the nation. A national address to assemble par-  
 liament was circulated through the kingdom, and

<sup>49</sup> Darien Papers. Carstairs, 499. 511. 612.



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X.

1700.

May 21.

universally subscribed; while a proclamation against disorderly petitions was issued in vain<sup>50</sup>. The address was presented by Tweedale, but the king's refusal to accelerate the meeting of parliament increased the ferment. When he sought the approbation of the English parliament, the Lords interposed to vindicate his opposition to the settlement at Darien, but the Commons refused to concur in the address; when he recommended an union, to reconcile the hostile interests of the two kingdoms, they rejected the bill. In the resolution not to disturb the repose of Europe, nor to renew the war for an inconsiderable settlement, to which the claim was at least doubtful, his motives of just and enlightened policy obtained little credit, and made no impression upon the untractable Scots. When the day prefixed for their parliament approached, the presbyterians again united with the Jacobites, and a majority appeared in opposition to the measures of the crown. The most inflammatory publications had been dispersed through the nation; the most violent addresses were presented from the towns and counties; and whosoever ventured to dispute, or to doubt the utility of Darien, was reputed a public enemy, devoted to a hostile and corrupt court. A resolution to assert the national right to Caledonia,

<sup>50</sup> Id. 500—13. Coll. Darien Papers, 103.



and to support the colony as a national concern, was prevented only by adjournment: and as the ferment still continued, the parliament was prorogued. Before the members dispersed, they concurred in a remonstrance to the king against illegal adjournments, as a violation both of the freedom of debate, and of the declaration of rights. The populace rose tumultuously, on the first notice of the defeat of the Spaniards by their countrymen at Darien. They proclaimed illuminations for the deliverance of Caledonia; they demolished the windows, or insulted the persons of the officers of state, and broke open the prisons to release some seditious printers; nor had the government vigour sufficient to inflict adequate punishment on the offence<sup>51</sup>.

But when the surrender and final ruin of the settlement were known, the calamitous state of the nation was universally felt. Two hundred thousand pounds were sunk and lost in the different expeditions; an equal sum had been sent abroad, during five years of scarcity, for the purchase of grain, and a general bankruptcy was expected to ensue. Many who had subscribed their whole fortunes were reduced to ruin; and few families had escaped the loss of a relative or a friend. Instead of returning with wealth

Distress  
and despair  
at the loss  
of Darien.

<sup>51</sup> Darien Papers, 133. Carstairs, 510—33—9—86. 607—15. Ralph, ii. 848. Minutes of the Scottish Parl.



BOOK  
X.

1700.

July 29.

and distinction, the adventurers who survived the mortality of a noxious climate, continued to languish in the Spanish prisons, or were left to starve in the English plantations; and the nation awakened from its dreams of immense wealth, stript of its credit, its resources, and trade. Its stock for trade was exhausted; its credit was ruined; and as every neighbouring kingdom had proved hostile to its aggrandizement, all hopes were extinguished of emerging from a poor and contemptible state. The sense of present degradation, was exasperated by the memory of former independence, when its arms were respected, and when its alliance was solicited by the greatest potentates. Every domestic calamity which the country had sustained was industriously traced to the removal of the seat of government; to the corrupt resort of the nobility to the English court, and to the pernicious influence of English councils since the union of the crowns. The most desperate attempts were projected; to sit in parliament by force, or to hold a convention of estates at Perth. On the death of the Duke of Gloucester, in whom, as the last child of the Princess Anne, the settlement of the crown determined, the Jacobites proposed to declare the throne vacant, and even the presbyterians seem to have deliberated whether or not they should separate from England, if no successor should be



provided on the decease of the king<sup>52</sup>. As the scarcity of money, even for the common purposes of circulation, was universally felt, an association was formed against the use of foreign manufactures, or the importation of French wines, in order to deprive the government of the most productive articles of customs and excise. The Jacobites endeavoured to seduce, or prepared to disband the army when the parliament should meet. Every indication threatened a separation of the crowns ; but their applications to the court of St. Germain were unexpectedly rejected. Louis XIV., who was not as yet assured of the succession of his grandson to the Spanish monarchy, was unwilling to renounce the partition treaty ; and he persuaded James, that amidst the dissensions of the two kingdoms, the encouragement given to the Scots might incense the English, from whom alone his restoration could proceed. That bigoted monarch, whose mind was engrossed with acts of monastic devotion, tamely expected the death of William as a signal to return and re-ascend the throne<sup>53</sup>.

As the supplies for the army expired with the year, a session of parliament became indispensable ; but the situation of the country never

<sup>52</sup> Carstairs, 561. 70. Interest of Scotland, in three Essays, by Seton of Pitmedden, 1700. Scotland's Grievances relating to Darien. Coles's Mem. 174.

<sup>53</sup> Coles's Mem. 55. 209—70. Macpherson's Orig. Pap. i. 257.



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X.  
1700.  
Parliament  
mollified.

appeared more alarming or formidable to government, and nothing less than the king's presence was expected to appease the public discontent. His declining health, however, had increased his habitual aversion to factions, and his natural reserve. Reposing a just confidence in the address and influence of his commissioner, the Duke of Queensberry, he endeavoured by a conciliatory declaration, to soothe the people; and he availed himself dexterously of the loss of Darien, to represent the dangerous impolicy of involving his ancient kingdom, alone and unsupported, in a heavy war which she was unable to sustain, for a precarious settlement which it was impossible to preserve in opposition to Spain. Every security was proposed for the preservation of religion, of personal liberty, and for the freedom of trade. The prisoners wrecked at Cartagena, and condemned as pirates, were released at his request; and as the recovery of Darien, the sole bond of union, was no longer expected, the presbyterians were gradually detached from a party whose violence aimed at the destruction of the state. The members of parliament were the most untractable, as they were mutually pledged by their late addresses. But the boroughs had been recently admitted to farm the customs; bribes and pensions were freely dispensed; and each of the officers of state under-



took a separate progress through the country, not to corrupt the leaders of opposition, but to seduce their adherents. When the parliament was opened, the Duke of Hamilton, the chief leader of opposition, was deserted by his former majority<sup>54</sup>: the affairs of Darien were postponed for acts calculated to conciliate the public esteem: the people were gratified by the incapacitation of papists from the purchase, sale, or inheritance of lands, in preference, or in prejudice to the next protestant heir; but our gratitude is more justly due for the security which personal liberty then obtained. An act repeatedly demanded, was introduced against wrongful imprisonment, and the undue delay of trial, which, notwithstanding the claim of rights, had never been properly restrained. The informer was required to subscribe his information; the magistrate, to sign a warrant expressive of the particular cause of commitment; and, upon application to a competent judge, the prisoner was ordered to be released upon bail, within twenty-four hours, unless the offence were capital, in which case his trial was to be brought on within sixty days. When released on the failure to prosecute, he might be imprisoned again, on a second indictment; but if twice discharged, he was exempt from all fur-

<sup>54</sup> Carstairs, 650—73. Fletcher's first Discourse on Scotland. Boyer's Annals of Queen Anne. Minutes of Parliament.



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ther prosecution for the same offence. Arbitrary transportation, so frequently inflicted during the former reigns, was prohibited without a legal sentence, or judicial consent; and in addition to the severe penalties annexed to wrongful imprisonment or wrongful transportation, the judges who should reject the application of the prisoner, or refuse to give full effect to the act, were declared incapable of public trust. Though inferior, in some particulars, to the habeas corpus in England, the act inflicts a more adequate penalty on the iniquity of the judge.

Resolu-  
tions of  
parliament.

But the affairs of Darien were too important to be treated with silence or contempt. The honour and independence of the nation remained to be vindicated; and a series of popular, and high-spirited resolutions were adopted, from which the ministers durst not venture to express their dissent. The addresses, votes, and the whole procedure of the English parliament, against a company instituted by an act of the Scottish legislature, were declared an officious and undue encroachment on the authority of an independent state. The memorial of the English resident to the senate of Hamburgh, was pronounced injurious, false, and contradictory to the laws of nations. The proclamations of the governors in the English plantations, were stigmatized as pernicious to the company, and as barbarous, and repugnant to the common rights of humanity.

1701.



The colony of New Caledonia was finally vindicated, as a just and legal settlement, perfectly warranted by the statute and letters patent which the company had obtained<sup>55</sup>. On these unanimous resolutions, the ministry proposed to address the king. The opposition demanded an act, not only to assert the right, but to support the prosecution of the claim to Darien, without which they asserted that the company was still insecure, and that its adventurers were liable to be treated as pirates. But their design was obvious; to involve the king in hostilities with Spain. After a fierce and tumultuous debate, an address was carried by twenty-four votes, that his majesty would be pleased to vindicate the honour of the kingdom, and to assure the company of his royal protection<sup>56</sup>. The immunities of the Darien company were prolonged. The exportation of wool, and the importation of foreign manufactures, or of French wines, were prohibited till the fish and manufactures of Scotland should be admitted into France. The army was reduced to three thousand men; and by the prudent concessions of William, aided by the intrigues of his ministers, a parliament which had endangered the harmony of the two kingdoms, was quietly adjourned.

The remainder of the reign passed in sullen dis-

Death of  
James.

<sup>55</sup> Minutes of Parl.

<sup>56</sup> Id. January 13, 14. Carstairs, 684.



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X.

1701.

Sept. 16.

content at the loss of **Darien**, the remembrance of which was long preserved among the people with resentment and regret. When the settlement of the crown was extended in **England** to the house of **Hanover**, the people were too much exasperated in **Scotland** for the same measure to be proposed with success ; and to secure the protestant succession, an union of the two kingdoms was deemed indispensable. On the succession of the **Duke of Anjou** to the **Spanish** monarchy, the hopes of the **Jacobites** revived at the prospect of a war, which was accelerated, instead of being prevented by the death of **James**. His spirit, immersed in the most sordid superstition, had sunk under the weight of his misfortunes ; and by the most ascetic mortifications among the monks of **La Trappe**, he seemed desirous to convince the world, that when despoiled of a crown, he was unworthy to reign. Naturally intrepid, just, open, and indulgent at least in domestic life, his superstition chiefly contributed to render him tyrannical, relentless, pusillanimous, and frequently insincere. He declined a competition for the crown of **Poland**, and at the peace of **Ryswick**, would have refused his son as a successor to **William**, had the latter offered as he expected, to superintend his education, or even to provide for his succession to the throne<sup>57</sup>. His last mo-

<sup>57</sup> Such expectations, it appears, were entertained by the **Jacobites** previous to the peace of **Ryswick**, but were discou-



ments were consoled by the assurance of Louis, that he would acknowledge the Prince of Wales, who was accordingly proclaimed on the death of his father, and received as king by the court of France. An event so grateful to his adherents, which alarmed and incensed the English at the indignity of accepting a monarch from the French, confirmed the grand alliance projected by William, to circumscribe the inordinate power of the house of Bourbon on the acquisition of Spain. But at home the protestant succession was still insecure. In his last message to the House of Commons, William earnestly recommended an union of the two kingdoms, which he was unable, from his approaching dissolution, to accomplish himself.

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X.

1702.

His constitution was feeble from his untimely birth; and oppressed by the cares of government when repose was necessary, he sunk under a complication of disorders; but the immediate cause of his death was a fall from horseback; which his decayed and exhausted frame was unfit to sustain. He languished above a fortnight, under an aguish fever, and expired in the fifty-second year of his age, of an inflammation in his lungs. His person was of the middle size, ill-shaped

Death and  
character  
of William.

March 8.

raged by James. Macpherson's Orig. Pap. i. 551. But Dr. Somerville has sufficiently shewn that no such offer was made by William, and that the secret conferences between the Earl of Portland and Marshal Boufflers respected the jointure of James's Queen. Hist. of Polit. Tran. 442.



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1702.

and ungraceful, except on horseback ; his nose was aquiline ; but the harsh features of his countenance, which was pale and solemn, were enlightened by the piercing lustre of an eagle-eye. From the constraint imposed upon his early youth, his manners were silent, cold, and so extremely reserved, that he dispensed rewards and refusals with almost equal indifference. Unfavourable impressions were sooner received than effaced from his mind ; but his resentment never descended to the meanness of revenge. His habitual reserve and taciturnity increased with his declining health ; but his disposition was not always averse to the enjoyment of social life, nor unsusceptible of the finer feelings of love and friendship. From the disadvantages of a neglected education, he was ignorant of the fine arts, and insensible to their charms ; incapable of a steady application to business, or impatient, perhaps, of the minute and official details of public affairs. But his virtues were of a severer and more exalted order. His mind was still intent upon some great design, in which the various qualities of a sound and provident judgment were successively exerted ; an invention ever fertile in resources ; a calm and serene magnanimity in battle and danger ; fortitude during adversity ; moderation in prosperity ; fidelity to his allies ; and above all, an invincible attachment to public liberty, to which his ambition was a secondary



and subordinate passion. His life was spent in a constant struggle with France, at first to preserve the independence of his country, then the balance, or the independence of Europe; and as he refused the sovereignty of Holland, at the expense of its freedom, he would have equally rejected the crown of England, had it been offered upon terms inconsistent with those great designs. From the deliverer of England, he became the arbiter and protector of the liberties of Europe; and if not the most skilful and successful general, he was certainly the most enlightened and upright statesman of his age; inflexible in his pursuit of public utility; yet not incapable of yielding to exigencies; and improving dexterously every opportunity that occurred. Indifferent and impartial to the factions that divided and shook the nation, he trusted and employed them alternately, with a confidence that extended even to domestic treason; and from his intimate knowledge of the human character, he possessed the rare talent of adapting the services of his secret enemies to the prosecution of his designs. His character was chiefly distinguished by a steady integrity; by a dignified simplicity, and a patriotic regard for the rights of mankind. At the distance of a century, when the prejudices of faction are forgotten, and the benefits conferred by his government have partly ceased, religious toleration, which he was the first prince in

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1702.



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1702.

Europe to introduce, constitutes the purest glory of his life, and of his reign. Like other benefactors of the human race, he experienced distrust and ingratitude from the nations which he had redeemed; but the English ought to revere his memory, as the greatest monarch who has succeeded to Elizabeth, and the last who assumed the personal direction, and devoted himself to the service, of the state.

Lenity of  
his reign in  
Scotland.

Were an abatement to be made from this illustrious character, it is in the government of Scotland that the most exceptionable part of his conduct appears. There, however, it may be truly affirmed, that the statesmen in whom he was obliged to confide, who had been trained to business under the former government, and were tenacious of its abuses, betrayed him into arbitrary exertions of power; while the political situation of Europe, which engrossed his time and his presence, in the field and in the cabinet, necessarily rendered him remiss and inattentive to domestic affairs. Let it be remembered also, that notwithstanding the incessant plots and conspiracies of the Jacobites, and the jealous fears that invariably render new governments rigid and cruel, not a single person perished on the scaffold, nor was there a noble family in Scotland, ruined by forfeitures, during his lenient reign.



THE  
HISTORY

OF  
SCOTLAND.

BOOK XI.

*Accession of Anne.—New Parliament.—Act of Security proposed.—Passed.—Alarm—and Acts in England against the Scots.—Protestant Succession attempted in Parliament.—Postponed for a Treaty of Union.—Negotiations of the Commissioners.—Articles of Union prepared.*

THE accession of the Princess Anne, the eldest, and the only surviving protestant daughter of James, was acceptable to the whigs, as the settlement of the crown was fulfilled according to the claim of rights, and propitious to the tories, as a Stuart was again restored to the throne. The latter were introduced into the administration in England; but in Scotland, where the tories were almost all Jacobites, the whigs were still permitted to remain in power. But

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of Anne.



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State of  
parties.

the Jacobites were disposed to acquiesce in the queen's government, from a rational expectation, and perhaps a secret assurance, that though she would never relinquish the crown while alive, yet the ties of natural affection, and attachment to the last prince of her race, might persuade her to secure the succession to her brother, in the event of her decease.

The convention parliament, however refractory at times, had subsisted during the whole of the preceding reign. From its long duration, the ministry had found access to a majority of the members; and it was neither the interest of the former to dissolve the parliament, nor the inclination of the latter to return to their constituents. While the people were tranquil, a general election was considered as unnecessary; whenever they were agitated, it was always represented as too dangerous to take place. But the loss of Darien, as it was ascribed to the pernicious influence of English councils, had created a formidable opposition in parliament, in proportion to the discontent which it excited through the nation. The Jacobites had assumed the mask of public spirit, in order to unite with a party that asserted the commercial interests and the independence of Scotland; and the Duke of Hamilton, the ostensible leader of the country party, was popular from his uniform opposition to the crown. His attachment to the exiled family was unalterable;



but his address was sufficient to unite the most discordant parties, and to reconcile the most opposite characters to the prosecution of his designs. Cautious, and almost irresolute in deliberation, he was prompt, intrepid, and inflexible in the execution of measures; an impressive rather than an eloquent speaker; skilful in penetrating into the designs of others, but on the most important occasions he was actuated by some selfish, subordinate considerations of interest or revenge. His fortune was embarrassed by debts and lawsuits, but his stake was too considerable, in each kingdom, ever to permit him to instigate his party to arms. From his ambition to supplant the Duke of Queensberry in administration, his chief object at present, was to procure a dissolution of parliament, where his party was still inferior in strength<sup>1</sup>.

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1702.

By an act passed in the late reign for the security of the kingdom, the duration of parliament was prolonged for six months after the death of the king. The estates were authorized to meet in parliament, within twenty days, in order to provide for the public safety and the protestant succession, but not to innovate upon the constitution, or on the established laws<sup>2</sup>. Hamilton and his friends had applied in person

Secession  
from par-  
liament.

<sup>1</sup> Lockhart's Mem. with Sir John Clerk's MS. Notes, p. 28. Cunningham's Hist. i. 322.

<sup>2</sup> Parl. 1696, ch. 17.



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1702.

to the queen to dissolve the parliament; but as a majority continued attached to the court, it was held by Queensberry, after an irregular adjournment beyond the appointed time. Before her majesty's commission or letter was read, the Duke of Hamilton rose, and declared that the parliament, except so far as it was preserved by the act of security, had expired in consequence of the demise of the crown; and as the objects of that act were happily accomplished, and the protestant succession and the public safety were already secured by her majesty's accession, he protested against the proceedings, or the continuance of parliament, as an illegal convention, and withdrew at the head of eighty members, who were received by the populace with loud acclamations. Notwithstanding this unexpected, and large secession, the parliament was duly constituted; and when the queen's letter, recommending the measures of her predecessor, was read and enforced by the commissioner and the chancellor, the estates proceeded to vindicate her authority and to assert their own. To disown or to impugn the authority either of the queen or of the parliament, was created treason. The presbyterian form of church government was confirmed with such zeal, that a member who pronounced its principles inconsistent with monarchy, was immediately expelled. The dean and faculty of advocates, who had approved of



the protest of the eighty members, were summoned to the bar, and were severely reprimanded for their seditious votes. Ten monthly assessments and a half were granted, to be raised in two years; and the queen was empowered to appoint commissioners for a treaty of union, according to the last, most earnest request of the late king. But a bill introduced by Marchmont the chancellor, to abjure her brother, the pretended Prince of Wales, produced an unexpected division among the presbyterians themselves. Some were desirous to exclude the disaffected from the next parliament; others again were averse to the settlement of the crown, till the redress of grievances should be obtained from England. Ministers had received no instructions to provide for the protestant succession, which the English cabinet was inclined to leave undetermined, in order to overawe the whigs; and the parliament was adjourned, as the opposition threatened to summon the seceding members to their aid<sup>3</sup>.

Commissioners were appointed from each kingdom, to treat at Westminster, where some progress was made to facilitate an union. They agreed that the two kingdoms should be incorporated into one monarchy, under the same legislature and line of succession, with a mutual

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<sup>3</sup> Lockhart, ii. Parl. 1702, ch. 7. Minutes of Parl. Carstairs, 714. Boyer's Annals of Queen Anne, i. 54.



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communication of privileges, and a free trade. The English consented with reluctance to admit of a participation in their plantation trade; the Scots were with difficulty persuaded to submit to the same imposts with England, upon home consumption; but they refused, without an equivalent, to incur a share of the national debt, or to relinquish their Darien company, in which the public faith and the wealth of the kingdom were so deeply involved. The English commissioners, who still considered the privileges of the Darien, as inconsistent with those of their East India company, represented that the interference of two great and exclusive companies might prove injurious to the trade of the united kingdom; and in reconciling the discordant interests of two opposite monopolies, such difficulties occurred that the treaty was adjourned<sup>4</sup>.

Change of  
ministers.

But the unexampled duration of parliament, which had subsisted fourteen years, excited general discontent. Originally it was elected for a convention, and if its authority was doubtful or disputable, when it was converted into a parliament in the preceding reign, its continuance under the present was considered as absolutely null. The people were entitled to annual elections; and, after the secession of the country party, they began to dispute the authority of the rump, as

<sup>4</sup> De Foe's Hist. of Union, App. 14. Tindal's Continuation of Rapin, iii. 558.



the parliament was termed, and to refuse payment of the taxes which the last session had imposed. At the instigation of Queensberry, who proposed to dissolve the attachment of the Jacobites to Hamilton, and to surmount the opposition of the country party, the court embraced the opportunity to dismiss the whigs. The Earls of Marchmont, Melville, Selkirk, Leven, and Hyndford, who adhered to the principles of the revolution, were displaced, and those statesmen were introduced into office who had occasionally opposed the measures of the late reign. The Jacobites were elated with the change. They availed themselves of an indemnity to return from exile; or with a secret reservation, they accepted the oaths of allegiance to the queen, as regent during the minority of her brother. The episcopal clergy solicited, and were promised, an ample toleration; and although the public exercise of their religion occasioned frequent riots, they expected nothing less than an alteration in the government of the church. The presbyterians were alarmed and distressed, and began to suspect the new ministers, and the queen herself, of a secret design to supplant their religion, as the first step towards the succession of her brother, when a new parliament was summoned, to provide for the deficiencies of the former supplies<sup>5</sup>.

<sup>5</sup> Lockhart, p. 21. Boyer, i. 160. 206. ii. 15. Ridpath's Account of Parl. 1703, p. 11. Cunningham's Hist. i. 320.



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New parlia-  
ment.

The efforts of each party were exerted, at the general election, to strengthen its interest in the approaching parliament; the last which was destined to be held in Scotland. Lord Seafield, the chancellor, was employed to manage the returns; and his assurances of the queen's attachment, and of her reliance upon their fidelity, persuaded many of the Jacobites to transfer their interest at elections to the crown. But the court party was divided and broken by the recent change. The adherents of the revolution were jealous of their new associates, whom the late ministers were ready to oppose. The country party were almost equally numerous; and if we except a few Jacobites, they consisted either of presbyterians, or of independent members who were mostly indifferent to religious sects. The Jacobites, who assumed the name of Cavaliers, formed a distinct body, whose numbers were still inconsiderable; but they were prepared to unite with either of the contending parties, and expected to incline the balance to which side soever they chose<sup>6</sup>. When the parliament was opened by Queensberry the commissioner, a recognition of the queen's title and authority was proposed by Hamilton, as a compliment to her majesty, or rather as a decent apology for an intended motion to this effect, that the last session was an illegal convention, and that the ministers ought to be responsible for their unconsti-

May 6.

<sup>6</sup> Cunningham, i. 324, 5. Ridpath, 20. 31. Lockhart, 35.



tutional advice. To counteract this obvious design, an additional clause was proposed, that it should be high treason to question, not only her majesty's title, but the exercise of her government, since the commencement of her reign. The presbyterians concurred with the court party in supporting the amendment, which was carried by a large majority; and the Jacobites, who still adhered to the commissioner, endeavoured, by their ostentatious services, to merit favour from the queen. The Earl of Home, their leader, proposed a supply; the Earl of Strathmore an act of toleration, in order to exempt the episcopal ministers from the oaths to government: but their views extended to the revival of patronage, and to the introduction of their clergy into the benefices of the church<sup>7</sup>. The presbyterians, and such of the court party as were attached to the revolution, were alarmed at their unwonted zeal in support of government. The commission of assembly petitioned against an iniquitous toleration. Argyle and Marchmont awakened the jealousy of the commissioner, at the growing power and ambition of Hamilton, to whom the Jacobites, when their present objects were once accomplished, would continue to adhere. They introduced two acts; the first to confirm the presbyterian form of church government, and the second to declare it high treason to impugn the

<sup>7</sup> Ridpath, 5, 38.



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authority of the convention parliament, or even to attempt an alteration in the claim of rights. As the abrogation of prelacy and of ecclesiastical pre-eminence constituted an article of the claim of rights, the presbyterian religion, from the concurrence of the presbyterians with the court party, was thus indirectly sanctioned by the penalties of treason, and all hopes of episcopal church government were finally repressed. The Jacobites, who had stipulated that no confirmation should be bestowed on the revolution, abandoned the commissioner, by whose connivance their religion was thus proscribed; and they continued afterwards invariably attached to the country party<sup>s</sup>.

Disposition  
of the par-  
liament and  
the nation.

These preliminary disputes were subordinate to a more important question with which the nation was agitated, productive of an ultimate union between the two kingdoms. Ever since the projected settlement at Darien, the genius of the nation had acquired a new direction; and as the press is the true criterion of the spirit of the times, the numerous productions on political and commercial subjects, with which it daily teemed, had supplanted the religious disputes of the former age. As the loss of Darien was invariably ascribed to the servile dependence of ministers upon the English cabinet, whatsoever misfortunes the

<sup>s</sup> Ridpath, 44. Boyer, ii. 36. Lockhart, 44. Proceedings of the Parl. of Scotland, 1703.



nation had sustained since the union of the crowns, the increase of the prerogative, and the exaltation of hierarchy by James VI. the introduction of the liturgy by Charles I. the civil wars which it produced in Scotland, and the furious persecution under Charles II. were aggravated and ascribed to the same cause by the public discontent. The commerce of the nation was supposed to have declined since the accession of James. A share in the plantation trade was considered as a just equivalent, due to a nation which had been impoverished during the preceding century, by the attendance of its nobility at the court of England, and by the loss of its commercial privileges in France. But the Scots were excluded from the plantations by the navigation act. Their shipping had been seized and confiscated in the plantations; and their trade with England was discouraged, ever since the restoration, by the same restrictions that were imposed upon aliens<sup>9</sup>. Every attempt to extend their commerce, or to establish a settlement in the east or in the west, was repressed by the predominating influence of the English cabinet; and it was supposed that the worst, and most servile statesmen were invariably selected for the administration of Scotland. Every opportunity to improve their country, or to redeem their constitution from a foreign influence, had been disappointed, it was said, by the delusive offer of an union till the

<sup>9</sup> Ridpath's Discourse on the Union, 1702.



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danger had subsided ; and the nation lamented the improvidence of its ancestors, who had neglected to secure the independence of their government, by limitations previous to the union of the crowns. The source of every preceding disaster was felt at once, on the loss of Darien, in the pernicious influence of the English cabinet over the sovereign, which it became the duty of every true born Scot to resist. The country party was formed, like every opposition, of an independent interest, with the discontented of every description intermixed ; but their professed object was to procure redress for the loss of Darien, and to emancipate their country from the English yoke.

Views of  
parties.

A fairer opportunity than the present could never have occurred. At the close of the last reign, when the settlement of the crown of England was extended to the Princess Sophia, Dowager of Hanover, the next protestant descendant of the elector palatine, and of Elizabeth, daughter of James VI. the estates of Scotland were not once consulted, and no provision was yet made to preserve the union of the crowns. The most salutary measure that originated in England, would have been rejected by the discontented of all ranks ; and an incorporating union was recommended by William, in order to establish the same protestant succession in Scotland, and to prevent the final separation of the kingdoms. The security of England required that the pro-



testant succession should be received in Scotland, but it was the obvious policy of all parties there, that the succession should remain undetermined till their grievances were redressed, or till the benefits of an union were first obtained. To secure the independence of government, the country party determined to impose limitations on the successor to the crown. The court party was inclined to postpone the succession, or rather to introduce it by a previous union; but it was the interest of the Jacobites to leave the succession open for the last prince of the house of Stuart. Hamilton, who maintained a strict correspondence with the exiled family, was instructed to persuade the queen, if possible, to admit her brother to the crown of Scotland during her life, that his accession might be secured in England after her decease. But the country party in general, the Marquis of Tweeddale, the Earls of Rothes, Haddington, Roxburgh, Hyndford, Marchmont, Lord Belhaven, Baillie of Jerviswood, and Fletcher of Salton, were indifferent, or more probably irreconcilable to the pretender's interest, and never meant to renounce their attachment to the protestant succession<sup>10</sup>.

<sup>10</sup> Macpherson, and other late historians, erroneously represent the country party as all Jacobites. It is now difficult to ascertain the numbers of each in parliament: but after the defection of the *Squadron*, which consisted of more than



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Act of security.

According to these views of the different parties, the settlement of the crown was industriously evaded. The consideration of supplies was postponed, to prevent a sudden prorogation, till an act was prepared for the security of the kingdom. It was proposed, that, in the event of the queen's death, the parliament then existing, or if it were dissolved, that the last parliament should assemble within twenty days, during which time the government was to be lodged with the privy council and such of the estates as repaired to town. Papists, aliens, Englishmen invested with a peerage, without an adequate estate in Scotland, were excluded from a parliament which was intended to provide for the demise of the crown. If no issue of the queen existed, and if no heir were already appointed to the throne, the estates were directed to name a successor, of the royal line and the protestant faith; but it was carefully provided, that the same person should not succeed to the throne of England, unless such conditions of government were previously framed, during her majesty's reign, as might secure from English, or from foreign influence, the honour and independence of the crown and kingdom; the freedom, frequency, and authority of parliament; the religion, liberty, and trade of the nation. An

thirty members, Lockhart is still careful to discriminate the Jacobites from the country party.



additional clause, proposed in opposition to these limitations, was adopted in the act; that the same person should be incapable of succeeding to both kingdoms, unless a free communication of trade, the benefits of the navigation act, and the liberty of the plantations, were also obtained. The commissions of the officers of state and of the military commanders, were to expire with the sovereign, in order to prevent the existence, or the influence of an English government during the interregnum: the inhabitants fit for arms were ordered to be uniformly armed, and regularly disciplined once a month; and by a separate act, the prerogative of declaring peace and war, was to be exerted by the sovereign with consent of the estates; from an obvious design, that if the concessions expected from England were ever revoked, the nation might refuse to concur in its continental wars.

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Never was an act so violent, adopted in Scotland with more deliberation, or opposed by more artful interruptions and delays. Each clause was debated and voted as a separate act. As the estates were seldom permitted to meet till evening, or to sit above once every third day, three months were consumed on the act, that the members, wearied and exhausted by attendance, might return to their homes<sup>11</sup>. But the independence of Scotland had created the deepest interest in the

Debated.

<sup>11</sup> Proceedings of Parl. 1703.



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Arguments  
for,

nation ; and the Act of Security was supported with a spirit and eloquence which hitherto the parliament had never displayed.

As the present settlement of the crown expires with the queen, nothing less, said the advocates for the act, than the supreme power inherent in the estates, can prevent the dissolution of the monarchy on her death. The government then reverts to the same situation in which it was placed at the revolution. The estates are then entitled to declare a successor, or they may at present anticipate the declaration of a successor ; much more are they entitled, with the consent of the reigning sovereign, to prescribe future limitations for the vacant throne. That limitations are necessary, nay indispensable for the public security, is obvious from the situation of a Scottish prince on the throne of England, whose prerogative must ever be subservient to the inclination of the court, and to the interest of the nation in which he resides. While a limited monarch, he must consult the interest of the English parliament ; but if absolute, his Scottish prerogative would still be exercised by the administration of England, to which the ministers for Scotland must submit implicitly, whether to procure or to preserve the offices and emoluments of state. Thus it is, that as long as the disposal of places belongs to the King of England, the government, like a conquered province, is entirely devoted to English coun-



cils ; that the interests of Scotland have been uniformly sacrificed, and that the nation has been bribed and betrayed at its own expence. A few votes may dissolve this inglorious servitude ; and no alternative remains, but to separate from England under a different successor ; unless, by previous limitations, the disposal of all offices, pensions, and places of trust, be transferred to the estates. It is not the prerogative of a Scottish prince, but of an English minister, that is transferred, or more properly an ancient privilege that is restored to parliament. The resources of the nation will not then be exhausted at the English court, when places and pensions are conferred by the estates. The meetings of parliament will neither be obstructed nor interrupted by English councils, nor its acts deprived of the royal assent ; but the grievances of the nation will be redressed by the execution of its own laws. To secure the independence of government is not alone sufficient, except by another limitation, annual elections at Michaelmas, and an annual parliament, to be held in winter, shall prevent the corruption of the estates themselves. But in vain would they provide for the security and independence of the kingdom, unless these and other limitations, under which they shall receive the same successor with England, are supported by arms. If the nation is too poor to sustain a military establishment, let it be remember-



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ed that the possession of arms is the proud distinction between a freeman and a slave. To remain unarmed till the queen's death, is to be reduced to servitude; and when the alternative of a separation from England has been once suggested, there is no protection nor safety for Scotland, unless the people are armed<sup>12</sup>.

and against  
it.

The opponents of the act of security argued, that the influence of English counsels, (which was too visible to be seriously denied,) was the unavoidable result of the union of the crowns. The same influence had subsisted ever since the accession; nor was it less necessary to preserve an unity of counsels than a good understanding between the kingdoms, to which much mischief might otherwise accrue, were the measures adopted in Scotland hostile to the interest or to the tranquillity of England. Nothing but an incorporating union could exempt the Scots from this necessary dependence; but the act of security was calculated to produce a separation of interests, and to involve the two nations in an unequal war. When the disposal of all places, civil and military, the nomination of judges, privy-counsellors, and officers of state, are conferred upon parliament, nothing remains for the successor but the name of king. The executive and judicial powers are transferred from the sovereign, the

<sup>12</sup> Proceedings of Parl. 1703. Ridpath's Proceedings of Parl. Fletcher's Speeches.



centre of union between the kingdoms, to a committee of estates ; and the principle that unites the two kingdoms under the same monarch, is thus dissolved. But if the English should refuse to communicate a free trade, the Scots must declare for a different successor, whom they are unable either to support with dignity, or, if attacked by England, to maintain upon the throne.

Such consequences had not escaped observation ; nor did the country party unanimously approve of the proposed limitations. In these limitations the settlement obtained from Charles I. was revived ; to wit, that the privy-council and officers of state should be named by the king, with consent of parliament, which was then considered as a full security for the liberties and religion of an independent nation<sup>13</sup>. Whatever are the evils with which it is pregnant, whether it tends to dissolve the union, or to relax the sinews and strength of an empire, we must acknowledge that to preserve the independence, or to prevent the discontent of an united kingdom, not incorporated under the same legislature, there seems to be no method but to submit the domestic administration to the choice or consent of the estates. That constitutional control on the executive, which the legislative power should possess, is lost wherever the administration is supported by external influence ; and to restore an equality to

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<sup>13</sup> Burnet, v. 224.



parliament, additional limitations are necessary, if not an express consent to the appointment of ministers. Accordingly, the same limitations were first adopted at the treaty of Edinburgh, in the reign of Mary, to preserve the nation from the influence of French councils during her marriage with Francis II.

But the court party were averse to every limitation on the crown. Their opposition was ineffectual ; but when the act of security was carried by a majority of fifty-nine votes, the royal assent was expressly refused. A bill was introduced by the Earl of Marchmont, to establish the succession, under the proposed limitations, in the Princess Sophia ; but the settlement of the crown was premature, and acceptable to no one. The parliament was prolonged in expectation of obtaining supplies ; and the prohibition against French wines was repealed, in order to restore the customs. But the members were exasperated at the refusal of the royal assent to the act of security ; and on the question, liberty or subsidy, they determined, after a fierce and tumultuous debate, to proceed the very next day to the limitations on the crown. Some denied the authority of the royal negative, introduced since the restoration. Others professed their resolution to die free rather than to live slaves, and threatened to assert the privileges of parliament sword in hand<sup>14</sup>. “ Bet-

<sup>14</sup> Lockhart, 57. Boyer's Annals, ii. 57. “ We were often



“ter,” said Fletcher, “that a popish prince should  
 “succeed to the throne under such limitations  
 “as may render the nation free and independent,  
 “than the best protestant without limitations. If  
 “we live free, it is indifferent to me, provided  
 “these limitations are enacted, whether a suc-  
 “cessor from Hanover or St. Germain be named  
 “to the throne.” The commissioner, intimidated  
 by their violence, despaired of success, and ad-  
 journed the parliament without obtaining supplies.

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It was in this parliament that the eloquence of Fletcher of Salton was first distinguished. Fletcher of Salton's character.

Fletcher was apparently the early pupil of Burnet; but his virtues were confirmed by mature study, foreign travel, persecution, and exile. When he withdrew from the oppressive government of the Duke of York, he engaged as a volunteer in the Hungarian wars; and, rather than desert his friend, embarked in Monmouth's unhappy expedition, of which he disapproved. At the revolution he returned with the Prince of Orange, whose service he declined when that prince was advanced to the throne. From the study of the ancients, and the observation of modern governments, he had imbibed the principles of a genuine republican. Disgusted at William's authority as inordinate, he considered in the form of a Polish diet, with our swords in our hands, or at least our hands on our swords.” Sir John Clerk's Memoirs, MS.



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the prince as the first and most dangerous magistrate of the state, to be severely restrained, not indulged in the free exercise, or abuse of power. His mind was firm and independent, sincere and inflexible in his friendship and resentments, impatient of contradiction, obstinate in his resolves, but unconscious of a sordid motive or an ungenerous desire. His countenance was stern, and his disposition unaccommodating, however affable he might be to his friends; but his word was sacred; his probity was never sullied by the breath of suspicion; and equally tenacious of his dignity, and scrupulous in the observance of every point of honour, his spirit was proverbially brave as the sword he wore<sup>15</sup>. His schemes were often eccentric and impracticable; but his genius was actuated

<sup>15</sup> The same expression is used without communication by Lockart and Macky, or rather Davis; but the latter is peculiarly happy in his character of Fletcher. "He is a gentleman steady in his principles, of nice honour—brave as the sword he wears, and bold as a lion—would lose his life readily to serve his country, and would not do a base thing to save it." Swift, who "allows Lord Somers to have possessed all excellent qualifications, *except virtue*," stigmatizes Fletcher as "a most arrogant conceited pedant in politics; cannot endure the least contradiction in any of his visions or paradoxes." Rem. on Macky's Characters, Nichols's edit. v. 182. Swift forgets that Fletcher never sold himself either to the whigs or to the tories, when they were in place.



by a sublime enthusiasm, and enriched by an extensive converse with books and men. His eloquence is characterized by a nervous and concise simplicity, always dignified, often sublime; and his speeches in parliament may be classed among the best and purest specimens of oratory which the age has produced<sup>16</sup>. His free opinions were confined to no sect in religion, nor party in the state. The love of his country was the ruling passion of his breast, and the uniform principle of his whole life. In a corrupt age, and amidst the violence of contending factions, he appeared a rare example of the most upright and steady integrity, the purest honour, the most disinterested patriotism; and while the characters of his venal, but more successful competitors are consigned to infamy or oblivion, his memory is still cherished and revered by the Scots.

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The courts of France and St. Germain were Scotch plot. not inattentive to these transactions. Among other emissaries, Simon Fraser was employed in Scotland; a man of low cunning, but of a flagitious and desperate character, who claimed

<sup>16</sup> It appears from Sir John Clerk's Memoirs, that Fletcher was not expert at extemporary replies. His speeches, to be distinctly understood, must be read historically, as they refer to the different clauses of the act of security and limitations on the crown. In this view, his Conversation on Governments, written to vindicate the proceedings of this session, appears to me to be one of the best specimens of dialogue writing in modern times.



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the honours and estate of Lovat. He had fled from justice for a rape upon the late Lord Lovat's widow<sup>17</sup>, whom, in order to secure possession of the estate, he had forced to consummate a pretended marriage; but the influence of her brother, the Marquis of Athol, prevented a pardon. On his becoming a proselyte to the catholic religion, his extravagant proposals were embraced and recommended by the exiled queen. He obtained a private interview with Louis, and assured De Torcy, that if five thousand French troops were landed at Dundee, and five hundred at Fort William, the highland chieftains, from whom he was commissioned, would appear in arms with ten thousand men. The assurances of an unknown adventurer were not hastily credited, and he was dismissed with a gratuity, to procure credentials from the clans. On his return to Scotland, Argyle and Leven, whose protection he enjoyed as an useful spy, introduced him to Queensberry, whom the Jacobites had just deserted in parliament. Tarbet, created

<sup>17</sup> Lovat's Memoirs have been lately published, in which he denies that he ever approached the house where the dowager resided. We may judge of his veracity not only from the trial (Arnot) but from his father's letter to Argyle, (Carstairs, 434.) representing his son as advantageously married to the widow, and both living very happily together. It is amusing to read the pompous accounts of the territories, the subjects, and the wars of this highland adventurer, whose whole clan exceeded not seven hundred men.



Earl of Cromarty, Seafield and Athol, though officers of state, had abandoned the court party; and as the last nobleman had introduced the act of security, the commissioner listened with avidity to whatever Fraser's invention or resentment suggested. He affirmed that Cromarty, Hamilton, and Athol, his personal enemies, were engaged in a clandestine correspondence with the court of St. Germain; and to confirm his information, he produced a letter from the exiled queen, which had been intended for the Duke of Gordon, but the superscription being left blank, it was addressed to Athol by Fraser himself. As the evidence was still defective, he was permitted to range through the highlands in quest of intelligence; and for the same purpose was furnished with passports and money to return to France. But Ferguson, a more experienced plotter, whom he met in London, discovered his designs, and communicated them to Athol, who complained loudly to the queen that a fictitious plot had been contrived for his destruction. Fraser, on his return to Paris, was imprisoned in the Bastille; but in a few years he was restored to liberty, and by his services, on the accession of the Hanoverian family, he recovered the titles and estates of Lovat. He was destined, however, at the age of fourscore, to suffer on the scaffold, for his participation in the last rebellion to restore the Stuarts; but whatever his charac-



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Queens-  
berry and  
his friends  
displaced.

ter or his crimes might have been, the British government incurred a deep and lasting reproach of cruelty, by the inhuman and useless execution of an old man on the very verge of the grave<sup>18</sup>.

When the Scotch plot, as it was termed in England, was communicated to the two houses, it excited the most violent disputes. The whigs endeavoured to establish, and the tories to discredit, the existence of the plot, which they represented as a political contrivance, devised by Queensberry to ruin his opponents. As some intercepted letters, and the confession of Fraser's associates, seemed to confirm its reality, the house of peers, in which the interest of the whigs predominated, declared that a dangerous plot had existed in Scotland to introduce the pretender, to which nothing had contributed so much in that kingdom, as the protestant succession remaining unsettled. But their interference served only to obstruct the succession; and in consequence of the outcry against a fictitious plot, the removal of the Duke of Queensberry became indispensable. The Marquis of Tweeddale was appointed commissioner; and as the offices of state were reserved for his numerous friends, the country party was broken and divided by the change. An administration chosen from the popular party was expected to establish

<sup>18</sup> Lovat's Memoirs. Collection of Papers concerning the Scotch Plot. Macpherson's Orig. Pap. 1704.



the protestant succession, which at present was the undisguised object of the English court; and in order to gratify the spirit of national independence, the queen was persuaded to yield to every limitation on the successor to the crown. But the change was neither so timely nor so general as to enable the new ministers to secure a majority in the next session of parliament, in which the Duke of Hamilton was ambitious to preside. Men of approved principles, long accustomed to opposition, are not suddenly reconciled to the measures of court; and the prevailing report was generally believed, that the administration was still subservient to the English cabinet. A more injurious surmise was also entertained, that the queen was secretly adverse to the succession of the house of Hanover, of which she affected to approve. The adherents of the late administration were persuaded that the present was intended only as a temporary change; and Queensberry, when dismissed from office, entered into a secret compromise with Hamilton, that if no serious inquiry should be made into the Scotch plot, his friends would join in opposition to the settlement of the crown<sup>19</sup>.

The administration was certainly unconscious of its own weakness at the commencement of the session, when the protestant succession, which

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sion of par-  
liament.  
July 13.

<sup>19</sup> Burnet, v. 225. Boyer's Annals, iii. 38. Lockhart, 102.



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had been delayed so long, was recommended by the queen. The most soothing expressions were employed in her letter; the most specious limitations were proffered by the commissioner; and if national independence had been the only object, the nomination of ministers, or rather the supreme power under a protestant successor, might have been transferred to the estates. But it was the interest of the Jacobites to prevent the settlement of the crown; and when Hamilton, in order to evade the declaration of a successor, demanded a previous treaty of commerce with England, the country party were again deluded by the vast prospect of a colonial trade. Ministers represented in vain, that the queen would accede to every constitutional demand; but that without the authority of the English parliament, she could never dispense with the navigation act, nor admit their shipping to the English plantations. Whatever the opposition had lost by the defection of ministers, was gained by the accession of Queensberry's friends. They inveighed at the late interposition of the English peers in the affairs of Scotland; they deplored pathetically the unhappy situation to which the country was reduced; and after the most violent debates, they determined, by a large majority, not to appoint a successor until a commercial treaty with England should be obtained; but to proceed to such previous limitations as ought to be imposed



on the throne. From the profession of those free sentiments which they secretly abhorred, the Jacobites were received by the people with unexpected applause; but the resolution which was designed to obstruct the protestant succession, very contrary to their intentions, proved the first step towards an union of the kingdoms<sup>20</sup>.

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The country party were elated with the triumph. Instead of proceeding to frame limitations, or to appoint commissioners of their own for the treaty, they addressed the queen against the undue interference of the English peers: they requested the documents of the plot to be transmitted to the estates; and revived the act of security, which, with some alterations, was conjoined with the supplies, in order to insure its success. Nothing more was necessary to reduce the administration to the utmost distress. The supplies provided by the convention parliament had been long since exhausted. A large arrear was due to the army, which was unable to subsist without immediate pay. The treasury was notoriously exhausted; and such was the spirit of national independence, that the remittance of pay from England, which it was impossible to conceal, would have excited dangerous tumults, and might have been rejected as a foreign, and ignominious subsidy, by the troops themselves.

Act of se-  
curity re-  
vived,

<sup>20</sup> Lockhart, 106—21; and Sir J. Clerk's Notes, MS.



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The alternative was unavoidable ; either to confirm the act of security, or to disband the army ; but when the queen was consulted, her English ministers were also perplexed. The act of security was replete with danger ; it provided conditionally for a separate successor, and threatened to arm the whole kingdom in his defence. But the danger was more immediate in disbanding the army. The disaffected formed a numerous part of the nation ; and the discoveries respecting the late plot had excited serious apprehensions of an invasion from France. The highlanders, almost the only part of the nation possessed of arms, were the most disaffected ; and, as they might be expected to revolt, the chief argument for arming the people under the act of security, operated with additional force against disbanding the troops. The act of security was preferred, however, as a contingent evil, the inconveniences of which might be removed in time<sup>21</sup>.

But the Earl of Godolphin, the treasurer, whom the queen chiefly consulted, is supposed to have recommended the act from a refined policy, that the English, when alarmed at the probable separation of the two crowns, might accede with less reluctance to an union of the kingdoms, in order

<sup>21</sup> Burnet, v. 227. Cunningham's Hist. i. 413. Lockhart, 125.



to preserve the protestant succession and the empire entire<sup>22</sup>.

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and passed.

The act of security, after a short adjournment, was accordingly passed. In return for six monthly assessments, the estates were authorized to meet upon the queen's death; and were enjoined to declare a successor, of the royal line, and of the protestant faith; but not the same person who might be appointed to succeed to the throne of England, unless the religion, the liberties, and the trade of the nation should be previously secured<sup>23</sup>. When the Princess Sophia and her descendants were thus conditionally excluded, the next prince of the royal line, and of the protestant faith, was the Duke of Hamilton himself, who was descended, in the seventh generation, from a daughter of James II. and it is supposed that, from this moment, a gleam of distant royalty burst upon his mind. The attachment which

<sup>22</sup> "The queen was advised to give her consent to the act, as the most effectual measure to bring about the union, for it so terrified the English that they easily came into it; that thereby the succession might be settled in the house of Hanover, and so all dangers were removed which by this act were threatened. This observation I make from very good authority, and that it was the Earl of Godolphin who advised the queen to consent for the above purpose." Sir J. Clerk's Notes on Lockhart's Mem.

<sup>23</sup> The clause relative to the freedom of the plantations was read and voted, but by some artifice was omitted in the act. Sir J. Clerk's Memoirs and Hist. of the Union, MS.



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he had hitherto maintained towards the exiled family, was shaken and subverted, if we may believe the Jacobites, by the remote and visionary expectation of a crown<sup>24</sup>. It is certain that his future efforts were not unfrequently relaxed by a secret connivance with the court party; but whatever was ambiguous or irresolute in his conduct, may be more truly ascribed to some selfish motive of interest or of revenge. Rather than communicate to Queensberry and Seafield a personal share in the treaty with England, he refused to concur with their friends in appointing commissioners; and the opportunity to secure the nomination of his own party before the parliament adjourned, was irretrievably lost<sup>25</sup>.

Its effects  
in England.

No sooner were the English apprized of the act of security, than they were alarmed and roused from their profound indifference towards the Scots. It was considered rather as an act of exclusion, for the separation of the two kingdoms; and as every fencible man was appointed to be armed and regularly disciplined, by the landlord or magistrate, the most lively apprehensions were excited in England. A separate succession was the least danger to be apprehended. The Scots were poor and discontented; and if

<sup>24</sup> Macpherson's Hist. ii. 359. Hooke's Negotiations.

<sup>25</sup> Lockhart, 127. Had he and Athol consented to admit Queensberry and Seafield, they might have secured twenty-two out of the twenty-four commissioners.



suffered to arm, they would become the more formidable to their opulent neighbours, from their poverty and their discontent. The most extravagant reports were propagated, of vast quantities of ammunition and arms procured from the continent ; and as these appeared irreconcilable with their poverty, the assistance of foreign powers was the more firmly believed. The alarm was industriously increased by the tories, for the removal of Godolphin ; while factious writers, to exasperate the animosities of the two nations, revived the obsolete and exploded doctrine of the supremacy of England over the Scottish crown, and proposed the reduction of the kingdom by force of arms. The wiser part of the English had little apprehension that the Scots would persist in their act of security, or that they could subsist, after the intercourse of a century, as an independent kingdom, under a separate monarchy, unconnected with England. But the danger of a disputed succession was obvious, if the crown should remain unsettled till the queen's death. The pretender would be recalled ; and if the violence of his adherents should prevail in Scotland, he would enter England with foreign auxiliaries, and renew the destructive alliance and incursions of the French and Scots. The transactions of the civil wars were not yet forgotten ; and the Scots, from their vicinity to the coal counties, might, in a few



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days, obtain the command of the capital. But the wiser part of their nation deprecated an event which would revive the scenes of the grand rebellion, and unless the pretender were seated in both kingdoms, would expose their country to a second conquest, at a time when the arms of England were every where victorious, and even far more formidable than when directed by Cromwell. Moderate men of each nation were desirous of a permanent remedy for these evils; and the purpose of the act of security, from the alarm which it excited, was already partly accomplished, inasmuch as it inclined the English to assent to the demands of the Scots<sup>26</sup>.

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Acts  
against the  
Scots.

An inquiry was first introduced into the house of peers, to discover by whose advice the act of security had obtained the queen's assent. As the absence of morals is supplied, in a refined and dissolute age, by a fastidious affectation of sentimental delicacy; so at a time when the influence of the English cabinet was never more conspicuous, nor more predominant in Scotland, the inquiry was plausibly opposed, as an irregular interference, which might provoke the jealous indignation of the Scots. More moderate, yet compulsive, measures were recommended. The queen was empowered to appoint commissioners

<sup>26</sup> Burnet, v. 230. Sir J. Clerk's Observations on the State of Scotland, MS.



for an union of the kingdoms ; but the Scots were declared to be aliens, if their parliament should neither accede to a treaty nor adopt the Hanoverian succession within the space of a year. The importation of their cattle and linen was conditionally prohibited. Cruisers were appointed to intercept their trade, and to prevent the exportation of their wool to France. An address was presented to the queen, to repair and garrison the fortifications of Berwick, Carlisle, Hull, and Newcastle. Regular forces were quartered on the borders ; and as if the Scots were already in arms, the six northern counties were exhorted to prepare for defence<sup>27</sup>. Conciliatory were thus intermixed with compulsive measures ; but there was reason to apprehend that these would rather serve to exasperate than to intimidate the Scots, or to reconcile them to an union.

In the mean while an incident occurred, by which national animosities were mutually inflamed. An English interloper, returning from the East Indies, round the north of Scotland, was seized at the instance of the Darien company, as a reprisal for a ship which the East India company had confiscated in the Thames. From some unguarded expressions of the seamen, suspicions arose, that they had captured another vessel sent by the Darien company to the East

Execution  
of Green.<sup>27</sup> Boyer. Burnet.



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Indies, and had murdered the captain and his whole crew. They obtained a legal, but not an impartial trial. Their captain and thirteen seamen were condemned to death for piracy and murder, on the evidence of a single black, corroborated, however, by some presumptive circumstances; but there was no proof that it was the company's ship which they took, or its crew whom they massacred. On the day of execution, the populace, apprehensive of being defrauded of their revenge, surrounded and threatened to force the prison, insulted the privy-council, pursued the chancellor to the danger of his life; nor were they pacified till the sentence was inflicted upon Green the captain, and on two of his crew. The rest, after a long imprisonment, were dismissed, because the evidence was considered as defective. But the rage and insults of the populace were productive of the keenest resentment in England; the sentence and execution of Green were ascribed to national animosities; and the antipathy, mutually kindled, admonished government that an accommodation between the two kingdoms should no longer be deferred<sup>28</sup>.

Change of  
administra-  
tion.

The feeble administration of Tweeddale was therefore dissolved, and Queensberry was again

<sup>28</sup> Green's Trial. Arnot's Criminal Trials. Sir J. Clerk's Hist. MS.



restored with his friends to office. As his conduct in the late plot was still exposed to inquiry, the Duke of Argyle, a young ambitious soldier, of the most promising expectations, was appointed commissioner to parliament, with instructions to establish the same protestant succession as in England; or, if that should be found impracticable, at least, to procure an act for a treaty of union. A treaty with England was a popular and indefinite measure which it was difficult openly to oppose; and if some were desirous to introduce the succession indirectly, by a previous union, others expected that the treaty would be prolonged for years, and the succession deferred. But the settlement of the crown was a question of which the event was the more doubtful, as the late ministers, who refused to adhere to the opposition that had deserted, or to the court that dismissed them, formed a distinct party, which acquired the cant name of the *Squadroné Volanté*, and affected to trim between, and to incline the balance to either side.

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Squadron  
party.

Soon after the session commenced, the Duke of Hamilton resumed his motion, that the succession should be deferred, till a commercial treaty were concluded with England, and the independence of the nation secured by proper limitations on the crown. His motion was carried, as formerly, by the aid of Queensberry's friends; and as no expedient but an union remained for the settlement

Third ses-  
sion of  
parliament.



of the crown, the Jacobites became unconsciously accessory to that event. They proceeded to frame limitations; to obstruct, if they could not prevent, the succession of the house of Hanover. On the arrival of Queensberry, they were deserted by his friends; but the *Squadroné* party concurred in an act, enacting, that the judges, the privy-counsellors, and the officers of state, should be named in parliament after her majesty's decease. By another bill, ambassadors were ordered to attend, and to provide for the interest of Scotland in foreign treaties, wherein the country had been uniformly overlooked and neglected since the union of the crowns. An act for triennial parliaments was also introduced, but the court party endeavoured to suspend its operation till the queen's death; and in a bill to shorten the duration of parliaments, the Jacobites, apprehensive of their own seats, consented to prolong the present parliament for three years more. But these acts never obtained the royal assent<sup>29</sup>.

Act for a  
treaty.

The treaty with England, for which the settlement of the crown had been thus postponed, was resumed on the motion of the Earl of Mar. The Jacobites concurred in a popular measure, suggested by themselves to retard the succession; but they endeavoured to limit, and to frustrate a treaty which was neither intended nor expected to suc-

<sup>29</sup> Lockhart, 145.



ceed. The Duke of Hamilton moved, "that the  
" union should no wise derogate from any funda-  
" mental laws, ancient privileges, offices, rights,  
" liberties, or dignities of the nation." On former  
occasions, the same resolution had been invariably  
employed to prevent an union; but in popular  
assemblies it is the ostensible, rather than the real  
motives of parties that are discovered in their  
debates. The ministers durst not oppose the  
clause as inconsistent with an union; nor durst  
the opposition avow their design to obstruct its  
success. The former resisted the motion as ex-  
pressive of an undue distrust of the queen; and  
as inconsistent with those ample powers which the  
English parliament had conferred on her commis-  
sioners. The latter maintained that some things  
were too sacred to become the subject of a treaty;  
that the preservation of their national indepen-  
dence was the more necessary, on account of the  
present influence of English councils, and that it  
ought not to offend either the queen, who from  
her absence, must be less acquainted with their  
constitution and interests, or the English parlia-  
ment, by whom the government of the church  
had been expressly reserved. The question was  
decisive of the intended union; but by the ab-  
sence of some, and particularly by the defection  
of the old Earl of Aberdeen, the motion was  
rejected by a majority of two votes. Another  
clause was proposed by Athol, that the commis-



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sioners should neither leave the kingdom nor engage in a treaty, till the acts declaring the Scots aliens, and their trade illicit, were repealed in England. The Jacobites expected that the obstinacy of the English parliament might prevent an union; and Fletcher, ever independent in his conduct, opposed the treaty as ignominious, unless these hostile laws, should be previously repealed. But the motion was artfully evaded by an address to the queen, to procure a repeal of the acts before the treaty should be suffered to commence<sup>30</sup>.

of union  
with Eng-  
land.

The last hopes of the country party were placed in the choice of commissioners, which Hamilton had neglected to secure in the former session. The question was of the highest importance to the kingdom. If appointed by parliament, the commissioners might disappoint or retard an union; if they were selected by the queen, the interest of the country might be betrayed to England; and so sensible was the English parliament of this advantage, that the Scots, although they should accede to an union, were to be reputed aliens, unless the queen should be entrusted with the choice of commissioners. When the members, wearied with the preceding debates, had begun to retire, Hamilton, acting in secret concert with Queensberry, proposed unex-

<sup>30</sup> Lockhart, 154. Minutes of Parliament.



pectedly, at a late hour of the night, that the nomination of the commissioners should be referred to the queen. His motives were sufficiently obvious to his friends. From the late, frequent creations of peerages, a majority of the nobles was devoted to the crown. Apprehensive of being rejected by his own order, if the commissioners were to be chosen by their respective estates, he was content to sacrifice the interests of his party to a fallacious assurance of obtaining a personal share in the treaty, if the queen were empowered to appoint the commissioners. His party were struck with consternation. Some abandoned the house in despair and rage, exclaiming, that it was in vain to stay where they were deserted and betrayed. Others retorted his own arguments, that to leave the nomination to the queen, what was it else than to surrender their country to the English cabinet, whose ministers were thus enabled to appoint commissioners for both kingdoms, and to dictate their own terms to Scotland? Instead of answering their arguments, the court party persisted in a vote. From the absence or the defection of their members, the queen was empowered by a slender majority of eight votes, to appoint commissioners for a treaty of union, with the reservation of the government and the worship of the established church. Nothing remained for opposition but an unavailing protest; and Argyle returned with



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State of the  
country.

the credit of having surmounted and broken the factions in parliament, by a prudent management, unexpected from his years<sup>31</sup>.

It may be necessary at the present conjuncture, to give a short explanation of the situation of the country, and of the motives of the statesmen in both kingdoms, previous to an incorporating union with England. The dependence of government upon the English cabinet, however unavoidable, was a just cause of complaint. The parliament was not unfrequently directed by its influence; and was never assembled except to grant supplies. The privy-council, however arbitrary, had, in consequence of the interposition of parliament, become comparatively mild, and was calculated to preserve a decent appearance of civil authority and the public peace. The treasury and exchequer were exhausted under the management of rapacious statesmen. Trade was too inconsiderable to furnish a revenue adequate to the necessities of the state. The exportation of wool had been prohibited, as injurious to those coarse and infant manufactures which were insufficient for the domestic consumption of the article, but was

<sup>31</sup> Lockhart. Clerk's Memoirs, MS. Cunningham's Hist. i. 425. From the protests of the country party, including the squadroné, it appears that they consisted of twenty-five peers, thirty-five barons, eighteen burgesses, who were present in the former vote.



again permitted in opposition to England, as one of the chief branches of foreign trade. Linen, the next article of exportation, was discredited by frauds ; the introduction of cattle and sheep into England was conditionally prohibited ; and the remaining articles of exportation were worsted stockings, a late manufacture, corn, hides, and the produce of the fisheries and of the mines. The shipping that appeared in the harbours were chiefly Dutch<sup>32</sup>. French wines, Dutch goods, flax, lintseed, silk, and English cloths, were imported in return ; but as these were articles, of domestic consumption, the scarcity of money was ascribed to a small, annual loss on the balance of trade. Law, the author of the Mississippi scheme, proposed to remedy the supposed scarcity, by the institution of a national bank, in order to issue notes to an unlimited amount, for security upon land ; but the committee of trade, to whom it was referred by parliament, had the good sense to reject a project which was afterwards introduced into France with the most per-

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<sup>32</sup> The shipping of Scotland is supposed to have increased from 215 vessels or 14,485 tons, prior to the union, to 1123 ships or 50,232 tons, before the year 1712. But the Scots, instead of employing Dutch ships as formerly, were obliged by the navigation act, to procure ships of their own. The increase of shipping, otherwise incredible, argues no proportionable increase of their former trade. Chalmer's Estimate, 201. 8vo.



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nicious effects. But the scarcity of money was an exaggerated complaint. Notwithstanding the losses of the Darien company, the gold and silver in circulation amounted almost to a million sterling; a sum unequal, perhaps, to the visionary schemes and demands of projectors, but sufficient to employ whatsoever industry the nation possessed<sup>33</sup>. The decline of credit, and the improper application of the capital were more severely felt. The landlord generally aspired to the peerage; the merchant who had acquired an inconsiderable capital, and the pedlar who returned with a small stock from abroad, hastened to sink their money in the purchase of lands; and their funds were invariably withdrawn from trade, or the support of industry, as their sons were educated either as lawyers or as divines<sup>34</sup>. But the scarcity of money was ascribed to the want of a proper market for the produce of the country, which, if once admitted into the English colonies, might be exchanged for commodities fit for exportation, and more be-

<sup>33</sup> Ruddiman's Pref. to Anderson's *Diplomata*. Sir J. Clerk's *Testamentary Mem.*; MS. *Observations on the State of Scotland before the Union*, MS.

<sup>34</sup> *Advantages of an Incorporating Union*, 5. 12. *Interest of Scotland*, in three Essays, by Seton of Pitmeddan, p. 75. The Scotch pedlars in England were computed at 2500, whose packs of linen and lace were worth from one to two hundred pounds sterling a piece. *Right of Succession*, 3. 37.



neficial than articles of mere consumption. A commercial alliance, and a federal union with England under separate parliaments, like that of the Dutch states, or of the Swiss cantons, were impatiently solicited; and the settlement of the crown upon the House of Hanover, was considered as an ample recompence for a communication of trade. From the former instability of their church, the presbyterians were sincerely attached to the protestant succession; and the Jacobites alone, who had increased considerably during the present reign, were hostile and utterly irreconcilable to an union, on account of the advantage which the whigs would acquire in the settlement of the crown <sup>35</sup>.

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But the nation was not more desirous of a federal union, than from the implied surrender of its legislature, its revenues and its ancient independence, it was adverse to that entire, and incorporating union, to which the statesmen in each kingdom extended their views. Godolphin, from whatever motives of policy or necessity, had procured the queen's assent to the act of security, which it was now necessary to remove; and were we to believe his enemies, an union was proposed to preserve the prime minister of England from impeachment. His influence had failed to establish the protestant succession,

Motives of  
statesmen.Of Godol-  
phin.

<sup>35</sup> Sir J. Clerk's Observations, MS.



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Of the  
whigs.

which, even when adopted, would remain insecure while a separate parliament existed in Scotland. An incorporating union comprehended the succession, and would annex that kingdom to England for ever. It was the interest of the English parliament to extend and to perpetuate its influence in Scotland; and as one parliament was more easily managed or controlled than two, it was the obvious policy of the English minister to simplify the complicated operations of government. But the advantages of an incorporating union to England, were the additional empire, the population and power which it procured, and above all, the internal and profound security which it promised amidst external wars. To the whigs it was recommended by nobler arguments; the danger which the liberties of each nation might incur, from a divided state, under an ambitious prince; and the uniform policy of the Stuarts to render the one kingdom instrumental in enslaving the other, was still present to their minds. To the nation in general it was recommended as an adequate and necessary security for the protestant succession, and as a real accession both of territory and of strength. A fairer opportunity might never occur to prevent the danger of future dissensions, and a renewal of the destructive hostilities of former times. From the victorious career of the English arms, the war itself was propitious to an union; nor was the queen insen-



sible to the glory of achieving what the most illustrious of her predecessors had attempted in vain.

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The same security was promised to each kingdom, against a faction dangerous to its internal repose. The gradual approximation of the Scots, during the preceding century, towards the language and manners of the English, had already fitted and prepared them for an union; and although their ecclesiastical institutions were different, ecclesiastical conformity was no longer the subject of national solicitude, and even religion itself had begun to be disregarded for commercial pursuits. A free trade promised to relieve their poverty, and to invigorate their industry; and if it were insufficient to retain at home, the numerous adventurers who still continued to overspread the continent, the English service and plantations presented a wide field for the most enterprising ambition. The admission of the Scots to a free constitution, more nicely balanced than their own, and endued with that venerable stability which time alone can confer upon governments, might dispel the factious turbulence of the nation; prevent the danger of relapsing into despotism, as in the preceding reigns; introduce a purer administration of justice; and dissolve the rigours of the feudal system, which still prevailed. The immediate advantages, however, of the union, were the introduction of their cattle

Proposed  
advantages  
of an union  
to Scotland.



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and linen into the English market, free from imposts, from which a capital might at length be accumulated for trade, and for the improvement of land. But a proportion of the stock and trade of England was vainly expected to migrate to the north, and to establish manufactures; to emancipate the peasant from his oppressive landlord; to increase the produce and the value of estates; and to supplant the Dutch in the herring fishery, which a poor nation, whose inconsiderable capital requires an exuberant profit, is seldom able to prosecute with much success. The English cabinet, apprehensive, perhaps, of the same consequence, the removal of manufactures, was determined never to admit the Scots to a commercial intercourse, without an incorporating union in return; lest the nation should afterwards disunite, and separate from England, when enriched by its trade<sup>36</sup>.

Real motives of its ministers.

But whatever national advantages were proposed or expected, to resign the treasury, the honours, the emoluments and the entire administration of the kingdom for ever, was a sacrifice hardly to be expected from the most disinterested patriots, much less from the venal statesmen whom Scotland produced. It is not solely from the ostensible benefits proposed for their country

<sup>36</sup> Carstair's State Papers, 743. Essays at removing national prejudices, by De Foe. Letter on the reception of the Treaty of Union, by Sir J. Clerk.



that their motives are to be appreciated, but from the secret advantages procured for themselves. Their stability was doubly dependent, first on the duration of parties in the English cabinet; then on the management of the Scottish parliament, which was always precarious, and not unfrequently productive of a change of administration. Queensberry and his friends had been dismissed from office; the Earl of Stair was proscribed by the public hatred. Wearied with the vicissitude of parties which each minister had alternately experienced, they expected greater stability from the English cabinet, when relieved, by an incorporating union, from their present dependence upon the Scottish parliament. The whigs, with whom Queensberry was united in England, appeared to be firmly established in power. If he were permitted to govern by means of the privy-council, without a parliament, whose control is odious to every administration, his authority might be equally prolonged with theirs. All opposition would be extinguished with parliament<sup>37</sup>; and if the chief offices of state were preserved, whatsoever was lost by his friends in the disposal of honours, or in the management of an exhausted treasury, was of little value when compared with the immense prospects that opened to their ambition in England. Instead of the paltry objects of domestic faction, they might expect a share of

<sup>37</sup> Carstairs, 738.



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the great prizes dispensed from the state lottery of English politics, with a certainty proportioned to their means of success. A profuse distribution of titles, to create an interest in parliament, had sunk and degraded the ancient nobility; but an hereditary, or an elective seat in the English parliament, was a distinguished honour to which few could aspire. Whatever share of the representation might be acquired by Scotland, its members would form a distinct party, attached to its minister; and from the interest thus introduced into the English parliament, they might perpetuate his credit with the English minister, and secure the most extensive preferment to himself and his friends. An incorporating union was therefore embraced, not only to render their authority permanent at home, but with the more ambitious design of acquiring, from the united interest of Scotland, a numerous party in the English parliament.

1706.

Commis-  
sioners for  
the Union.

Such were the secret motives of Argyle and Queensberry, to whom, in conjunction with Godolphin, the choice of commissioners was referred by the queen. But the conditional acts, declaring the Scots aliens, and prohibiting their trade with England, were first repealed. The Marquis of Annandale proving refractory, was dismissed from office, and was replaced by the Earl of Mar, as secretary of State; a nobleman zealous for the union and the protestant succession, but



at a subsequent period hostile to both. Thirty-one commissioners for each kingdom were then appointed, to meet in London; but the succeeding treaty evinced, in the most important articles, that in consequence of the queen's nomination of commissioners, the English cabinet was enabled to dictate its own terms to the Scots. Their commissioners were chosen with an artful intermixture of each party, that their concurrence in the union, which was previously secured, might abate the opposition of their friends in parliament<sup>38</sup>.

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1706.

When the commissioners met at the cockpit, the first proposal was made by the English, that the two kingdoms should be united into one, by the name of Great Britain, under the same legislature and line of succession, according to an act passed in England for the limitation of the crowns. The Scots requested a short delay; and from the preference of an incorporating to a federal union, the noblest, and apparently the most disinterested and specious objects of public utility, coincided with the sordid schemes of a few ambitious states-

Treaty begun.

<sup>38</sup> Burnet. Sir J. Clerk's Hist. MS.; and Observations on Lockhart, MS. Lockhart, the only professed Jacobite, was named as Lord Wharton's nephew, of whom there were some hopes. Cockburn of Ormiston, Dundas of Arniston, had belonged to the *Squadroné*; Seton of Pitmeddan, and others, to the country party: but the Duke of Hamilton was industriously excluded.



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1706.

An incor-  
porating  
union pre-  
ferred.

men<sup>39</sup>. Sensible, however, that their nation was adverse to an incorporating union, and desirous only of a communication of trade, they determined to make one overture, in order to convince the people, that they did not acquiesce precipitately in whatsoever terms the English prescribed. They proposed that the same succession should be established in both kingdoms, and that the subjects of each should be admitted in the other to all the privileges and rights of natives, and to a free intercourse, and full communication, of navigation and trade. At the same time an intimation was given, that an incorporating union was not rejected; and the English declined the consideration of a proposal obviously not intended to succeed. Among the Scottish commissioners some proposed, in their private consultations, to renew their demand at the next meeting; that if the English remained inflexible, they might recede, themselves, with the less disgrace. Whether to adopt a federal, or an incorporating union, was no part of the question, but how to yield; and in order not to interrupt the treaty, it was determined that their concurrence should no longer be deferred. Their assent to an entire, and incorporating union, under the same legislature and line of succession, was, of course, attended with

<sup>39</sup> Sir J. Clerk's Hist. MS.; Letter on the reception of the Union.



a reciprocal communication of the rights of citizens and of a free trade<sup>40</sup>.

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XI.

1706.

Equalizing  
taxes.

But an incorporating union required mutual contributions ; a participation of commerce implied equalizing taxes ; otherwise there was some reason to apprehend, that the trade and manufactures of England might be transferred to the north. The subject in every respect was important and difficult. To submit to the same imposts with England was unavoidable ; but there were some which the poverty, or the impatience of the Scots was unable to sustain. When the finances of each state were examined, their commissioners were astonished at an immense, and increasing debt of eighteen millions, which was deemed not less enormous then, than insignificant at present, and little more than sufficient to defray the annual interest of our national debt. They were consoled, however, by the revenues of England, which amounted almost to six millions, and promised, by the frugality of a few years of peace, to extinguish the national debt, however great its extent<sup>41</sup>. Their own revenues, which scarcely exceeded an hundred and ten or twenty thousand pounds, consisted of six monthly assessments, or

<sup>40</sup> Sir J. Clerk's Hist. Journal of the Treaty, MS. Observations on Lockhart, p. 206. De Foe's Hist. 118.

<sup>41</sup> Sir J. Clerk's Hist. MS. The funded debt amounted to 17,763,842l. but with the unfunded debt it was supposed to exceed 20,000,000l.



BOOK  
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1706.

Land-tax.

Excise.

a land-tax of thirty-six thousand pounds; sixty-three thousand pounds, for which the customs and excise were farmed; and the crown rents and incidents of a precarious amount. These considerable revenues, however, were neither anticipated nor appropriated to the public debts; and might be expected to increase when the same taxes were imposed as in England. But the Scottish parliament never would have submitted to the same land-tax, which, as the valued and real rents of estates had varied much less than in England, since the usurpation, would have more nearly amounted, at four shillings in the pound, to a fifth part of the actual rent<sup>42</sup>. A new valuation was acceptable to neither kingdom. A proportional equality was therefore adopted, according to the highest rates established in each. When the land-tax in England was at four shillings in the pound, the proportion fixed for Scotland, at the rate of two monthly assessments for each shilling, was forty-eight thousand pounds, as the utmost ever granted in preceding reigns. In assenting to the same imposts, the Scottish commissioners applied, through every avenue, to obtain an exemption from the excise upon ale. The English were tenacious of their general argument, that without equalizing taxes, the manufactures of a poor nation, where subsistence was

<sup>42</sup> De Foe's Hist. 129. Essays at removing national prejudices, ii. p. 14.



of a cheap and inferior quality, would be produced at a cheaper rate, to the detriment of theirs. A distinction was discovered and reserved by the Scots, to relieve their own ale from the English excise<sup>43</sup>; but they were careful to stipulate for an exemption from stamps, and from the taxes upon coals, windows, births, burials, and marriages, as oppressive or vexatious, that expired at farthest within four years. The taxes upon malt and salt, from which they demanded a perpetual exemption, excited the chief dispute. The former tax subsisted from year to year; the latter was to be suspended in Scotland for seven years; and the Scots acquiesced in a temporary exemption from both, on the assurance that a British parliament could have no temptation to impose upon the kingdom when united, an unnecessary, or oppressive burden which it was unable to sustain<sup>44</sup>. But the customs and excise of England were partly anticipated, or appropriated for some years to the public creditor; and an *Equivalent* was proposed in money, for the application of the Scottish revenues to the national debt. As the same imposts required the same laws with England, for the regulation of trade, a new court of exchequer was necessary in Scotland for questions of revenue; but the courts of session and of justiciary were preserved entire. *Hereditary* jurisdictions and offices were reserved; and the

<sup>43</sup> Clerk's Hist.<sup>44</sup> Id. De Foe's Hist. 137.



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Represent-  
tation.

constitution of the privy-council, for which it was impossible directly to stipulate, was referred to the queen, to be continued till altered by the British parliament.

While the equivalent remained to be calculated, the English proposed, as a full and adequate representation, that thirty-eight members should be returned from Scotland to the united parliament. The Scots entertained no hope that the English would consent to diminish the number of their own representatives; much less, that they would admit the whole parliament of Scotland to be conjoined with theirs. But an ignominious proposal, to admit scarcely a fifth part of its representatives to the English parliament, excited a loud and indignant burst of surprise<sup>45</sup>. Four days were spent in private consultations before a conference was demanded. Under the pretext of guarding against national animosities, the treaty had been hitherto conducted in writing, to prevent any public or free discussion; and the English, apprehensive of mutual altercation, were still unwilling to enter into a conference which it was impossible to decline. They maintained that some proportion was to be observed between the share of legislature and the burdens of government, but that the Scots, who were to contribute less

<sup>45</sup> *Ingenti fremitu ac indignatione.* Sir J. Clerk's Hist. Imperii Britannici, MS.



than a fortieth part of the land-tax, would obtain a thirteenth part of the representation in return. They were told that the basis of representation was not wealth but population; that the Scots, whose contributions to government might be expected to increase, amounted at least to a sixth part of the inhabitants of Britain; but that regard should also be paid to their dignity, as an ancient nation proud of its independence, which they would never surrender, to be degraded by a representation less than that of a single county in England<sup>46</sup>. Sixty-six members from Scotland would have furnished, without any detriment to the English parliament, an adequate representation for each county and county town. The commissioners were desirous of sixty, which, from their servile apprehensions of a refusal, they did not dare to propose<sup>47</sup>. A greater proportion was

<sup>46</sup> The population of England did not exceed six millions; that of Scotland, exaggerated by De Foe to two millions, was estimated by Seton of Pitmeddan at 800,000 before the Union. Three Essays. But the population of Scotland in 1755 amounted to 1,265,380. At present it is 1,526,692. A population of 800,000 at the union supposes an increase of 465,000 in fifty years; whereas, during forty years of far greater prosperity, the increase was only 261,000. At the union, therefore, the population of Scotland was probably a million, of which Fletcher supposes that two hundred thousand were common beggars; as if, said Adam Smith, there was even provender for such a number then.

<sup>47</sup> Sir J. Clerk's Journal of the Treaty, MS.



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absolutely necessary, not merely to gratify the ambition of Scottish statesmen, but to render the union less unacceptable to the Scottish parliament; nor was Godolphin indifferent, perhaps, to an accession of members that strengthened the influence possessed by the crown. Whatever latent jealousy of the court was entertained by the whigs, it appears that Lord Somers, the chief author of the plan of union, was careful not to admit a number from Scotland sufficient to create a national faction in the English parliament. From a thirteenth its representation was cautiously enlarged to a twelfth part of the united parliament, as a medium, perhaps, between the different proportions of population and supplies. To obviate every obstruction to an union, the English proposed that forty-five members should be admitted to the house of commons, *and no more*; and as the same proportion was necessary among the lords, that the quota for Scotland should be sixteen peers<sup>48</sup>. After three days spent in useless consultation, the Scottish commissioners received a private intimation that it was in vain to deliberate; that they must determine either to interrupt the treaty, perhaps for ever, or to submit impli-

<sup>48</sup> The proportions seem to have been adjusted thus:

|           |     |        |     |
|-----------|-----|--------|-----|
| Commoners | 513 | Peers, | 185 |
|-----------|-----|--------|-----|

|    |    |
|----|----|
| 45 | 16 |
|----|----|

|           |           |
|-----------|-----------|
| 45)558(12 | 16)201(12 |
|-----------|-----------|

8

9



citly to the conditions prescribed. Some proposed to refer the share of representation to the estates; but Godolphin interposed to dissuade a measure which might disappoint the union; and as the question remained entire for parliament, the commissioners were induced, by the authority of their statesmen, not to frustrate the treaty by the refusal of their assent<sup>49</sup>.

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Above two-thirds of the representatives of Scotland were thus excluded; not above a tenth part of its nobility was admitted to parliament<sup>50</sup>: but it may be difficult to conceive by what arguments such commissioners as were peers, were persuaded to relinquish their hereditary seats, the most distinguished privilege attached to their rank. The prospect of an exclusive seat for sixteen peers in the British parliament, might gratify the prime nobility, whom it promised to aggrandize in the same proportion that the rest were degraded. The decayed nobility might rest satisfied with the other privileges of British peers; of which an exemption from personal arrest was not the least considerable. But the commissioners were secretly assured that a temporary disproportion would be removed by prerogative. The success of Argyle in the last session of par-

Motives of  
the peers.

<sup>49</sup> Sir J. Clerk's Hist.

<sup>50</sup> The commons in the Scottish parliament were 160, the peers 145.



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liament had been rewarded with an English peerage, both as an earnest and as an example to others; and such of the commissioners as were peers, acquiesced in the queen's promise, confirmed by her ministers, that they should themselves be advanced to the same dignity, to which the whole nobility of Scotland might in time be admitted. To avoid an invidious opposition to the court, the Earls of Sutherland and Roseberry, the most incredulous or obstinate, were content to yield<sup>51</sup>; and when the commissioners forbore in their answers, to insist upon a larger proportion of members in either house, little doubt can be entertained that the interests of their country were commuted for objects advantageous to themselves.

Equivalent.

But the success of the union was expected from the proper application of the equivalent; the amount of which was computed at three hundred and ninety-eight thousand pounds, to be paid by England, for the customs and excise of Scotland, so far as these were appropriated towards the discharge of the national debt<sup>52</sup>. A capital was thus

<sup>51</sup> Sir J. Clerk's Hist.

<sup>52</sup> According to the application of the same duties in England, 22,874l. appropriated each year to annuities that expired in 1710, were estimated at 68,931l. The yearly sum of 21,823l. was appropriated to annuities for ninety-nine years, and, at fifteen years' purchase, was estimated at 329,154l. The rest of the customs and excise were applied proportion-



proposed to be transferred to Scotland for the prosecution of trade. At the same time, nothing would be lost to England, as the loan would be restored with interest, in fifteen years. The public debts, which consisted chiefly of arrears, were to be discharged by the equivalent; and the Darien stock, which had sunk so low that it was considered as lost, was to be repaid with interest, and the company to be dissolved. But the distribution of the equivalent among the discarded statesmen, and the families involved in the Darien company, was left undetermined, in order to create the greater expectation and influence in parliament<sup>53</sup>. The surplus was applied to reduce, or rather to restore the coin to the English standard; the increase of the revenue in consequence of the additional duties introduced by an union, was to be bestowed for seven years upon fisheries, manufactures, and other objects of national improvement. The same weights and measures were appointed, and the same seal for public transactions. The laws of Scotland, respecting public and private rights, were to be preserved; with this difference, that the former might be reduced to an uniformity through the

ably with the English, to the civil list and the national expence. Minutes of the Treaty. Essay on the 15th Article, by Sir J. Clerk.

<sup>53</sup> De Foe's Hist. 153—80. Darien stock sold even after the treaty at 10 *per Cent*.



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united kingdom, but the latter were to receive no alteration except for the evident utility of the subject. Religion was the only subject reserved from the treaty; and when the conditions were digested into twenty-nine articles, for the consideration of each parliament, the first of May, in the succeeding year, was the day appointed for the union to commence.



THE  
HISTORY  
OF  
SCOTLAND.

BOOK XII.

*Articles of Union examined in Parliament.—  
Debates and Arguments of each Party.—Insur-  
rections projected—and disappointed.—Union  
ratified by the Scotch—and English Parliaments.  
—Completed by dissolving the Privy Council—  
and by introducing the English Laws against  
High Treason.—Review of its Effects.—Con-  
clusion of the whole.*

**T**HE articles were kept a profound secret, to prevent opposition ; and we may believe that every preparation was made to secure the approbation of the Scottish parliament<sup>1</sup>. The military, as well as the civil establishment, was rendered subservient to parliamentary interest ; but the

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Queens-  
berry high  
commis-  
sioner.

<sup>1</sup> See NOTE VI.



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chief reliance was placed on the address and influence of Queensberry the commissioner. His disposition and manners were mild, affable, and insinuating; peculiarly adapted to conciliate adherents; and though incapable of steady application to business, he was prudent, cool, enterprising, and resolute; careless, or rather lavish of money, and expert in all the arts and intrigues of court. His possessions were extensive, and his connexions were numerous and powerful in each kingdom. A long residence at the court of England had effaced his national attachment to Scotland; and he was instigated both by ambition and by resentment, to perpetuate his own power by an union, and to extinguish the hopes of the Jacobites, and the interest of the country party, by whom he had been formerly deserted and displaced. By the intervention of Mar, he procured a secret intercourse with the Duke of Hamilton, whom he knew how to intimidate, or to dissuade from the most important designs. But the balance in parliament was retained by the Squadroné, on whom the success of the union depended; and the strongest proof of his talents and address is the support which he derived from a hostile party, whom he had so recently supplanted in power, and who detested and were impatient to supplant him in return<sup>2</sup>.

<sup>2</sup> Sir J. Clerk's Hist. MS.; Notes on Lockhart.



While the articles were industriously concealed, the nation remained in a state of silent expectation; not averse to a federal union, yet suspicious of a treaty which the commissioners were afraid or were ashamed to divulge. The Jacobites alone were alarmed at the settlement of the crown. It is not sufficient to affirm, that their measures had miscarried; as every measure which they adopted, had contributed, by a strange fatality, to counteract their designs. The outcry excited at the loss of Darien had terminated in the act of security, which rendered an union equally necessary and acceptable to England. The settlement of the crown under every limitation, was deferred till a commercial treaty should be obtained with England; and thus they were themselves accessory to the introduction of a treaty productive of an union, and of the protestant succession which it was meant to retard. In the present extremity they implored the aid of the French court; but its finances were reduced so low by the recent victories of the allies at Ramillies and Turin, that no supplies could be spared to support an inconsiderable party in Scotland<sup>3</sup>.

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Public apprehensions and suspense.

Such were the apprehensions and the suspense of the nation, when the concluding session of its last parliament was held in October. The advantages of an entire union were recommended

October 13.  
Session of  
parliament.

<sup>3</sup> Sir J. Clerk's Notes on Lockhart, 297.



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Alarm at  
the union.

by the queen, whose letter was enforced, as usual, by the commissioner's speech. When the treaty was produced and read, the parliament adjourned for a few days till the articles were printed. But the treaty was no sooner published, than the passions and apprehensions of the people, soothed and retained so long in a state of painful suspense, burst into an universal outcry against the union, which excited nothing but disapprobation and undisguised disgust. Innumerable pamphlets and letters of exhortation diffused the agitation of the capital to the remotest corners; but it is in vain to ascribe to these treaties, or to the arts of a clamorous faction, the universal indignation which the union produced. The presbyterians trembled for the safety of their church, from the influence of prelates in the English parliament; the episcopal party despaired of restoring theirs, if the presbyterian church were confirmed by an union: the poor were apprehensive of an excise on the necessaries of life; and the merchants, of English imposts equivalent to a prohibition of their present trade. All ranks and distinctions were alarmed at the surrender of the independence and the sovereignty of an ancient kingdom; and in the most opposite parties and descriptions of men, national pride and patriotism, the passions that cling to the heart, and attach us most closely to the poorest countries, were roused and agitated by those shadowy rights. So strong and irresist-



tible were these passions, that if a few, wearied with the vicissitudes of faction, or allured by the prospect of repose and prosperity, escaped their influence, a vast majority of the people was visibly adverse to an incorporating union, which multitudes rushed to the capital to oppose: others, too remote, or unable to attend, prepared addresses against an union; nor was a measure the most beneficial to Scotland, expected to succeed, in opposition to the united voice and sense of the people<sup>4</sup>.

Notwithstanding the unpopular reception of the treaty, the articles were again read, and deliberately considered, when the parliament was resumed. A short delay was proposed by the opposition, in order to consult their constituents, without whose consent, they affirmed that the parliament had no authority to innovate, much less to overturn, or, like their private, patrimonial fortunes, to dispose of a constitution which they were created to preserve. A new parliament, summoned for the purpose, was the constitutional and proper test of the public opinion; not a parliament which had subsisted so long, and whose

Articles of  
union ex-  
amined.

<sup>4</sup> De Foe, 219. Sir J. Clerk's Hist. MS. Notes on Lockhart, 215. De Foe was employed in Scotland by Godolphin or Harley, as a spy upon the ministry during the union. It was usual, it seems, for the English ministers to employ a spy upon the conduct of the Scottish statesmen in parliament. Tindal, iii. 49.



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Tumults.

members, chosen originally with no view towards an union, had become obnoxious to suspicion, from the distribution of places, pensions, preferments, and bribes. If a new parliament could not be obtained, they affirmed that the approbation of their constituents should at least be consulted, in order to render the union acceptable to the nation, or honourable to themselves. But in representative assemblies, the responsibility, or obligation of the members to observe the instructions of their constituents, is an odious doctrine. It was sufficient to assert the supreme authority of a parliament originally summoned to promote an union; and on a division, the opposition were deserted by their own friends. A majority of sixty-four determined to proceed, without delay, to the consideration of the treaty; but without voting upon the subject till the articles were separately examined and discussed. The impatient multitudes by whom the house was besieged, and the streets and adjacent buildings were filled and crowded, conceived that the first article was rejected, because the vote was deferred, and their acclamations expressed the most lively and immoderate joy. When their mistake was discovered, they insulted the commissioner, on his return to the palace, with execrations and threats; and conducted the popular orators, nightly, in triumph to their homes; till at length, exasperated at their late provost, one



of the commissioners for the treaty, they attacked his house with all the fury which his supposed treachery had inspired. His escape disappointed their vengeance. Their rage and numbers increased as they ranged the streets in quest of the treaters, and nothing was wanting but a resolute leader, or sufficient concert, to overturn the parliament, together with the union. The opportunity to introduce the army into the city, in order to prevent the insults of an enraged populace, was not overlooked; and the country party protested in vain that the estates were surrounded with guards, and overawed by the presence of a military force<sup>5</sup>.

When the capital became outrageous, the commissioner and the chancellor were inclined to adjourn the parliament, from the lowering discontent of the whole kingdom; and the union would have been lost had it depended upon them. But the men by whom they were chiefly instigated, were not to be deterred from a great, though unpopular design. Lord Stair exhorted them not to adjourn. Godolphin urged them to persevere in an union: he assured them of troops to be sent to their assistance from England, Ireland, or from Flanders, if necessary<sup>6</sup>; and from the determined violence of the contending parties, the

<sup>5</sup> Sir J. Clerk's Hist. MS.

<sup>6</sup> Burnet, v. 323. Cunningham, ii. 57.



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Debates on  
the four  
first arti-  
cles.

nation appeared to be rapidly verging to arms. Numerous addresses against an union, were daily presented, from all parts of the kingdom, and disregarded by parliament. But when the parliament proceeded to determine, on the four first articles, whether the two kingdoms should be united into one, with the same privileges, and under the same legislature, and line of succession as established in England; not only the arguments of each party, but that daring eloquence, and those fierce animosities and passions, were exhibited in its debates, which, whenever the constitution is lodged in a single assembly, may procure or may prevent the most important resolves, by contagious sympathy, or clamorous importunity, by rage and terror, by force or surprise<sup>7</sup>.

Arguments  
for an  
union.

The court party that began the debate, represented the necessity and the importance of an union, between two kindred and contiguous nations, seated in the same island, sprung from the same original, of the same language, religion, institutions, and manners; placed already under the same sovereign, and adapted by nature to

<sup>7</sup> Sir John Clerk hesitates whether to detail the debates, "nam strepitum non linguarum, sed quasi armorum audire videor; ex iris et odiis, jurgiis, motibusque animorum, belli civilis potius quam senatoriæ transactionis, narratio mihi constituenda videtur." Hist. MS.



form the same undivided state. On the first accession of their monarchs to the throne of England, every national and domestic blessing was expected from an event that gave a common sovereign to the two kingdoms, formerly harassed and exhausted by mutual wars and incessant bloodshed. If Scotland has since declined, or has continued stationary, miserable, and dependent upon England, to what can it be imputed but to the unavoidable ascendancy acquired by a jealous, and more powerful nation over the sovereign, for which there is no cure but an incorporating union? No friend to his country could desire the renewal of former hostilities; or if it were possible to resist the victorious progress of the English arms, no communication nor benefit of trade could be expected from a commercial alliance with the French or Dutch. The necessity of a more intimate alliance is acknowledged, when an imperfect union, under the same sovereign, has proved insufficient to prevent mutual discontent. Ever since the union of the crowns, the independence of the country has been overruled, it is said, by the predominating influence of the English cabinet. The experience of a whole century demonstrates, therefore, that without an incorporating union, the interests of Scotland will still continue to be sacrificed or rendered subservient to England. A federal alliance, under different parlia-



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ments, may be dissolved by either, on some dangerous novelty, suggested by selfish or ambitious individuals prone to innovation ; or may be interrupted upon every question of public right, respecting foreign treaties, commercial regulations, mutual contributions, peace or war. Were the determination of these questions to be vested in a council chosen by the two nations, still the Scots could expect no more than a representation proportioned to their population and their supplies. But the council, under whatsoever name it were established, would soon acquire the supreme authority of the British senate ; while the parliament of each nation must either be annihilated, or be eclipsed and reduced to a subordinate assembly of provincial estates. Nothing, therefore, remains for Scotland, to obliterate at once its dependence and its misery, but an incorporating union under the same government, and a free access to the same privileges, constitution, and trade with England. Nothing else is secure and permanent ; nor would the English assent, upon other terms, to a communication of trade. The federal union of Calmer was productive of eternal discord between the Danes and the Swedes ; the alliance with Spain was dissolved by Portugal ; but the different provinces of France, the kingdoms of Spain, the heptarchy of England, and above all, the two indigenous races still subsisting distinct in Scot-



land, are examples of nations happily united, and incorporated for ever into the same state. What then can prevent the present union, but the ideal sovereignty and independence of Scotland, which we are unable to preserve? Let us rather associate our independence with that of England, for the preservation of both; like a chaste and prudent virgin, apprehensive of her own weakness, who accepts an illustrious alliance, and preserves the honour and identity of her person under another name. Thus the glory and trade of England becomes equally ours; and the industry of the country will increase and flourish with the arts of peace. Are we apprehensive of additional taxes? An equivalent is offered, to enable us to sustain whatsoever duties may be imposed in England. Is our representation diminished? The English constitution is also impaired; for the master who admits a new inmate to a share in the management and the command of his household, retains no longer the entire administration of his domestic affairs. But a British parliament can have no object distinct from the common interest; and the two nations may repose for ever, secure and happy, under the same legislature, while religion, liberty, and the protestant succession, together with the protestant interest through Europe, will be preserved by their union.

The country party, resuming their former ar- Arguments  
against it.



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gument, maintained that there were certain fundamentals in government which the legislature had no authority to subvert or to infringe. Whatever were the tenure by which their seats were held, whether created by the crown or by their constituents, they possessed nothing more than a delegated power that originated from the people; a discretionary and a sacred trust, which was strictly limited to the exercise and the preservation of the constitution which the people had established, or to which they consented to submit. Without their express consent, the parliament could neither annihilate, nor transfer to another its legislative power, much less in opposition to their declared will. That the voice and sense of the people were adverse to an incorporating union, could admit of no dispute. Innumerable petitions were presented against it; not a single address had appeared in its favour: but if the parliament, whose dignity it was treason to diminish, should alienate a trust which it was created to execute, what result could be expected from an union to which the whole nation appeared irreconcilable? Instead of peace, repose, and prosperity, what but mutual animosity, distraction, discord, future rebellion, and eternal discontent! Will the supposed benefits of commercial intercourse, sooth or console the nation for the legislative power of which it is thus defrauded and despoiled? Stock, credit, and skill, are neither



created nor transplanted by treaties, but are the slow and laborious acquisition of time. The exportation of rude produce must procure the first capital for the improvement of industry and skill. But the produce of the country will be diverted from the European, and restrained entirely to the English market. The exportation of wool must be prohibited, and its manufacture discouraged, to supply the monopoly of the English staple : but before the acquisition of skill and industry, what benefit can result to our infant manufactures, from a privilege to enter into a competition with English manufactures in the English market? Our trade at present is small, yet improveable ; and exempt from restriction. But if we prefer a single customer to the rest of Europe, will the benefit of a plantation trade, of which the returns are circuitous, remote, and uncertain, compensate the quick returns and the rapid circulation of a trade nearer home? The spirit of commercial enterprise, so lately excited, requires the fostering care and protection of parliament ; instead of which it is subjected to the accumulated debts, and crushed in its infancy beneath the oppressive taxes, of a foreign legislature, indifferent to its success. Can the poor endure an enormous excise, or the taxes on salt and malt, which are insidiously suspended till the nation shall be better inured to the yoke? Are the rich aware of the future growth of the public debt, and of the



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increase of taxes, from wars in which the nation has no concern? But an equivalent is offered, to serve at once as a fund for taxes, and a capital for trade. An equivalent for submitting to the debts of England, must be repaid with interest in a few years: but this strange equivalent is advanced for the arrears and losses of a few individuals, not to the nation at large, on whose posterity the debts are entailed for ever. An immense bribe is thus offered which the nation must refund; to preserve the exclusive trade of the English, the chartered rights of its trading companies must be purchased up at its own expence. But what equivalent is given for the removal of the seat of government, for the surrender of the parliament, of the national independence, and constitutional rights? A slight addition is made to the English parliament, equivalent to a single creation of peers, and to the representation of a single county in the house of commons. But in Scotland, every estate in parliament, every county and corporation is disfranchised. The inherent birthright of the nobility is forfeited, to create a mongrel species of elective peers: and from the extreme disproportion of representatives, the nation, after the privileges which it surrenders, is reduced to depend, like a conquered province, upon the generosity, the good faith, or the discretion of an English parliament, for the rights which it reserves. If a dispute should occur respecting



its religion, its laws, or the privileges of its peerage, will the English prove more observant of the articles of union than the Scottish parliament of its own constitution and fundamental laws? Or, in a question respecting their own rights, can the English expect that the representatives from Scotland will be more tenacious of the constitution to which they are admitted, than of the one which they have destroyed? It will then be found, from their dependence upon the court, that their number is sufficient to corrupt the rights of the English, not to preserve their own. But for those by whom the nation has been betrayed and sold, to affirm that its independence and sovereignty are ideal rights, which it is unable to preserve, what is it but to convert their own crimes and corruption into reasons of state? Independence and sovereignty are of little value in themselves; but it is the sense of national independence in which the energy and free spirit of a people consist, and all that is great and patriotic reside. Let us establish, said the Marquis of Anandale, the same succession with England; let our crown be annexed to hers; let our treaties, our alliances, and our wars, be the same. But let us preserve and improve our constitution and parliament; nor let us, for dangerous, or at least precarious innovations, resign our independence, without which the spirit of a nation becomes



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Lord Bel-  
haven's  
speech.

poor and languid, sunk and degraded even in its own esteem<sup>s</sup>.

Methinks I see a free and independent kingdom, said the patriotic Lord Belhaven, delivering up the great object of dispute among nations, for which the world has ever been fighting, and all Europe is at present engaged in war; the power to manage their own affairs without assistance or controul. I see the present peers of Scotland, whose ancestors have exacted tribute through England, walking like English attorneys in the court of requests; while at home a petty English exciseman shall receive more homage and respect than were ever paid to the greatest of their progenitors. I see the estate of barons, the bold assertors of our liberties in the worst of times, setting a watch upon their lips, and a guard upon their tongues, to avoid the penalties of unknown laws; and the burrows, walking through their desolate streets, drooping under disappointments, and wormed out of the branches of their former trade. I see the honest and industrious tradesman, loaded with new taxes and impositions, disappointed of the equivalent, eating his saltless porridge, and drinking water instead of ale. I see the incurable difficulties of the landed gentry, fettered with the golden chain of equivalents; their daughters

<sup>s</sup> Sir J. Clerk's Hist. Lockhart. De Foe, passim. Pamphlets on the Union.



petitioning for want of husbands, and their sons for want of employment. But above all, I see our ancient mother Caledonia, like Cæsar, sitting in the midst of our senate, looking mournfully around, covering herself with her royal garment, and breathing out her last words, *And thou too, my son !* while she attends the fatal blow from our hands. Patricide is worse than parricide ; to offer violence to our country is worse than to our parents. But shall we whose predecessors have founded our monarchy and transmitted its constitution and its laws entire, to us a free and independent kingdom, shall we be silent when our country is in danger, or betray what our progenitors have so dearly purchased ? The English are a great and a glorious nation. Their armies are every where victorious ; their navy is the terror of Europe ; their commerce encircles the globe, and their capital has become the emporium of the whole earth. But we are obscure, poor, and despised, though once a nation of better account ; situated in a remote corner of the world, without alliances, and without a name. What then can prevent us from burying our animosities, and uniting cordially together, since our very existence as a nation is at stake ? The enemy is already at our gates ! Hannibal is within our gates ! Hannibal is at the foot of the throne, which he will soon demolish, seize upon these regalia, and dismiss us never to re-



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turn to this house again! Where are the Douglasses, the Grahams, the Campbells, our peers and chieftains, who vindicated by their swords, from the usurpation of the English Edwards, the independence of their country, which their sons are about to forfeit by a single vote? I see the English constitution remaining firm: the same houses of parliament; the same taxes, customs, and excise; the same trading companies, laws, and judicatures; whilst ours are either subjected to new regulations, or are annihilated for ever. And for what? that we may be admitted to the honour of paying their old arrears, and presenting a few witnesses to attest the new debts which they may be pleased to contract! Good God! is this an entire surrender? My heart bursts with indignation and grief, at the triumph which the English will obtain to-day, over a fierce and warlike nation, that has struggled to maintain its independence so long! But if England should offer us our own conditions, never will I consent to the surrender of our sovereignty; without which, unless the contracting parties remain independent, there is no security different from his who stipulates for the preservation of his property when he becomes a slave.

An union  
approved.

The sublime and pathetic eloquence of Belhaven was exerted in vain. Fletcher remarked, that the honour and interest of the country had been betrayed by the commissioners; and when



an explanation was demanded, he acknowledged that the expression was harsh, but true; and that treachery was the only epithet which he could find for their conduct. Insuperable difficulties were urged as a reason that no better terms could be obtained from England; to which the Duke of Hamilton indignantly replied, that the situation of the Scots on the same island with the English, might have furnished their commissioners with the most decisive argument for better terms. A profound silence ensued, at an argument not less invidious than just<sup>9</sup>; but when the question was demanded, it was determined by a majority of thirty-three votes, that the two kingdoms should be united into one, under the same legislature and line of succession as established in England.

There are few princes who, from a sincere dis-  
taste of royalty and the cares of government,  
have descended from the throne: but the volun-  
tary consent of a numerous senate to resign its  
legislative functions for ever, was an event un-  
exampled, perhaps till then, in the history of  
mankind. Whatever force or conviction the  
arguments on either side may possess, we may  
truly affirm that these are rather the apologies  
than the real motives for the conduct of parties.  
Man is naturally prone to faction, and tenacious

Secret mo-  
tives and  
corruption  
of members.

<sup>9</sup> Hist. of Queen Anne, down to the Union, p. 476. Lond. 1707. Boyer's Annals, v. 348.



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of power, which in popular assemblies, nothing less than personal interest or fear can surmount. The secret history of the intrigues and corruption that produced the union, has either been lost, or industriously suppressed<sup>10</sup>; and at this distance of time is imperfectly understood. From the frequent creation of peers in the present reign, a numerous action had been introduced into parliament, and its partisans were indisputably devoted to the court, from which their hereditary seats were derived. A large majority of the nobility supported the union, from which their dignity suffered the chief diminution; and as the other estates were more equally divided, the parliament, from a radical defect in its constitution, was subverted by the assemblage of peers and commoners in the same house. But the equivalent was the golden bait, the distribution of which, among those whose integrity might have resisted a bribe, created the same expectation and dependence as a lucrative share in a contract or loan. Above four-

<sup>10</sup> Lord Somers's Manuscripts, containing a copious collection of papers relative to the union, were almost all destroyed by a fire in Lincoln's Inn. Lord Seafield had made a large collection of state papers and letters, from the revolution to the union, which, with his memoirs of his own times, were consumed in his house adjacent to the Abbey, several years after the union took place. Lord Mar's Papers respecting the union, and the rebellion in 1715, were also destroyed.



score members were considered either as dependents on the court, or as influenced by honourable and lucrative places, by the assurance of preferment, or by the contingent payment of arrears and of the public debts<sup>11</sup>. The country party was equally numerous. In a parliament so nicely balanced, the success of the union depended upon the Squadroné, whose connexion with the English whigs was renewed; and when Montrose was appointed president of council, they endeavoured to recommend themselves to the court, on the assurance or the hopes of being restored to power. Their attachment to the protestant succession was undisputed; their resentment at the country party, by whom they had been deserted, was the same with the commissioners: but in the preceding session they had promoted the settlement of the crown, in opposition to an union; and though something must be ascribed to patriotism, and the force of argument, yet their sudden conversion cannot be altogether imputed to the most disinterested conviction. Twenty thousand pounds were transmitted from the English treasury, of which a large proportion was distributed among nineteen peers and eight commoners, under the name of arrears<sup>12</sup>. Among these peers were Marchmont, Montrose, Roxburgh, and Tweeddale, the leaders

<sup>11</sup> See some queries relative to the intended union.

<sup>12</sup> See Note VII.



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Opposition  
of the cler-  
gy, and an  
act for the  
security of  
the church.

of the Squadroné, who maintained a guarded silence till the first division, when their accession to the court party determined the union.

The religious establishment of each nation was reserved; but the commission of assembly recommended a national fast to the presbyteries, and an address to parliament to provide for the unalterable settlement and security of the presbyterian church. The clergy, in general, were hostile to the union, and were alarmed at the danger of subjecting the nation to the oaths, and the church to the innovations of an English parliament, wherein twenty-six prelates sat as constituent members. They exclaimed from the pulpit, at the approaching defection from the national covenant, in which the civil authority of church-men was prohibited, and the nation was required not to acknowledge the hierarchy, but to concur in prosecuting the reformation of England. But the violence of the commission was at first overruled by the presence of the court party, as ruling elders; and was restrained by Wishart the moderator, and Carstairs who had retired from the direction of the state to the management of ecclesiastical affairs. On the arrival of the country clergy, a more violent address was presented against the dangers to which presbytery was exposed by an union; and in order to evade their importunate demands, the parliament prepared an act for the



security of the church. The presbyterian form of government, and the Westminster confession of faith, were declared unalterable; the nation was exempted from all oaths, subscriptions, or tests, that were inconsistent with either; and the confirmation of both was inserted as a fundamental article in the treaty of union. An alternative was proposed, that the Scots should either be relieved in England from the sacramental tests, or that a formula should be prescribed in Scotland, as a similar security for the national church; otherwise the English would be admitted without a test, to the offices of exchequer and revenue; the most numerous or important offices that remained. The equity and the importance of the motion were acknowledged; but it was rejected, as the English would never consent to relinquish their tests. The act of security gave little satisfaction; but the clergy were content to temporize, as they might forfeit the support of the court party, and had no protection to expect if the Jacobites should prevail. On the departure of the country clergy, the commission relapsed into its former moderation. The violence of the presbyteries was restrained, or their petitions were intercepted by circular letters from Carstairs, artfully calculated to represent the commission as indifferent, or as not indisposed towards an union; but the English ministers in vain solicited the approbation of the church,



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Succeeding  
articles ap-  
proved.

which that subtle politician was unable to procure<sup>13</sup>.

The succeeding articles, respecting trade, taxation, jurisdiction and laws, received little alteration. Bounties on the exportation of grain were extended to bear and oatmeal, the chief produce as yet of the country. Drawbacks were allowed on the exportation of beef, pork, and herrings preserved with foreign salt. The taxes on salt and malt, and the excise on ale, excited the loudest discontent, as the most oppressive to the nation. The excise on ale was reduced to a medium between strong and small beer, as the Scots drank French wines instead of the former, and their *twopenny* ale scarcely exceeded the latter in strength. A perpetual exemption was demanded from the duties on salt and malt; but the court party were suspicious of whatever might tend to frustrate the union in the English parliament, or to obstruct its success. The heaviest of the duties on salt were removed from the nation. The malt-tax was suspended during the war; nor was it then imagined, that a recent duty, to which the English reluctantly submitted from year to year, would be prolonged on a peace. An argument equally fallacious was employed to reconcile the parliament to the English customs; that the greater part were to expire in four years, when

<sup>13</sup> Carstairs, 1754—8. Lockhart. Clerk's MS. De Foe. Boyer.



the customs of Scotland would be reduced to a lower rate than at the present period<sup>14</sup>; nor was it considered that a tax, even of the shortest duration, to which the nation has once submitted, seldom fails to become perpetual.

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While each article was successively disputed and confirmed in parliament, the increasing ferment of the nation threatened to convert the union into an internal war. Notwithstanding the presence of the military, the commissioner was frequently insulted, and his life endangered by the enraged multitude. At Glasgow, the imprudent opposition of the magistrates, to an address against the union, incensed the populace, who seized, and, for some days, retained possession of the town. In the western counties, the Cameronians and peasants, whose aversion to an union was inflamed by fanaticism, held frequent nocturnal meetings; and a numerous body appearing in arms at Dumfries, burnt the articles, and affixed a declaration against the union to the market cross. At length they assembled openly, under the act of security, to embody themselves into regiments, to appoint their officers, to provide horses and arms, and to consult upon measures for dissolving the parliament; which nothing but the incessant rains, and the inclemency of the winter season, had hitherto preserved<sup>15</sup>.

Tumults.

Insurrec-  
tions pro-  
jected,

<sup>14</sup> Clerk's Hist. MS. De Foe, 410.

<sup>15</sup> Lockhart, 218, with Clerk's Notes.



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Cunningham, an old and experienced officer in whom they confided, was sent to inform the popular leaders that when matters were properly concerted, they were ready to march to Edinburgh, in order to disperse a wretched parliament, whose members had sold the honour and interest of their country, and had forfeited all right to determine either for their constituents or for themselves. The same offers were made from the counties of Perth and Angus. The Duke of Athol, whose influence in the highlands was extensive, undertook to secure Stirling, and to preserve the communication between the west and the north. The presbyterians were about to take arms in conjunction with the Jacobites, and, if we may believe their authors, to declare for their king. Nothing less than a civil war could be expected from an union to which two-thirds of the nation were confessedly adverse, or rather, which was promoted by the court and its adherents alone. But, at this critical and decisive moment, Cunningham, terrified at the danger, and allured by a reward for the discovery of the enterprise, betrayed their designs to Queensberry, by whom he was instructed to return to the west, and to sooth his confederates, or to dissuade them from arms. He assured them, in his progress through the western counties, that there was neither fidelity nor resolution among their associates in Edinburgh, who had



promised but who refused to furnish assistance or supplies; and that they ought to consider well before they engaged, without aid, in such a desperate attempt. Whether apprized of his treachery, or unwilling to have recourse to arms, Hamilton, who held nightly consultations with Queensberry in the palace where they both resided, dispatched private expresses through the country, requiring the people to desist for a time; and, instead of seven thousand engaged in the enterprise, not above five hundred assembled, whom Cunningham easily persuaded to disperse<sup>16</sup>. The act of security was immediately suspended, so far as it authorized the people to muster and appear in arms.

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and pre-  
vented by  
Hamilton.

When each measure to disperse the parliament was thus disconcerted, a more moderate and unexceptionable plan was proposed by Fletcher; that the freeholders of every description should be invited to town, in order to attend, and, in a body, to conjure the commissioner to relinquish the union, or at least to consent to a short recess, till the sentiments of the nation were represented to the queen. A national address was accordingly prepared; to be circulated on his refusal; and when universally subscribed, to be

National  
address.

<sup>16</sup> Lockhart, 278. Hooke's Negotiations, 10. 12. Ker of Kersland, in his Memoirs, claims and was suspected (Macpherson's Orig. Pap. ii. 548—53.) of the same meritorious infamy.



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transmitted to the queen, requesting a new parliament and assembly, as the only means to avert the miseries of a compulsive union. Five hundred gentlemen, mostly Jacobites, repaired to town: the Earl of Panmure's brother was appointed their prolocutor; but the measure was again disappointed by Hamilton. On the day preceding the national address, he required a clause to be inserted, expressive of their desire to entail the crown upon the house of Hanover, without which he asserted that the tories in the English parliament could have no pretext to oppose an union. A demand to which the bulk of the Jacobites could never assent, produced an unexpected delay. A proclamation was issued against illegal convocations, and the country gentlemen, wearied with attendance, and disgusted at their leaders, returned to their homes. Hamilton's opponents were persuaded that he had received secret instructions from the court of St. Germain, rather to promote the protestant succession, which might be retrieved in time, than to submit to an union, which would unite the two kingdoms in support of the house of Hanover, and exclude the Stuarts for ever from the crown<sup>17</sup>. When the parliament arrived at the twenty-second article, the representation for Scotland, he assembled the leading Jacobites,

<sup>17</sup> Sir J. Clerk's Hist. MS.



and exhorted them not to revert to the past; represented that as no time was to be lost, the Marquis of Anandale should renew his motion to establish the same succession with England; and proposed that the country party should enter a solemn protestation on its refusal; secede forever from the house; and resume their national address to the queen. The secession of the same party had destroyed the credit of the former parliament. The English would hesitate to accede to an union, from which a large proportion of parliament had expressed their solemn dissent, and a visible majority of the nation had appealed to the crown. We are assured that if the measure had been duly executed, the commissioner and his friends were prepared to adjourn the parliament, and to desist from an union to which the general aversion of the people could no longer be concealed<sup>18</sup>. The day was fixed for the protestation. A detailed and high spirited address was prepared. On the preceding evening, Hamilton, at a secret interview with Queensberry, was informed that to him alone the miscarriage of the union would be imputed by the queen, whose favour, amidst all the mazes of opposition, he was unwilling to forfeit; and his terms were

<sup>18</sup> Clerk's Notes upon Lockhart, 294. 325; wherein he assents in fact to Lockhart's information from Seafield, that the ministry would have abandoned the union in the event of a national address.



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Twice disappointed  
by Hamilton's treachery.

adjusted with the court that same night<sup>19</sup>. Next morning he was afflicted with the tooth-ach. When compelled by the severe animadversions of his friends to attend the house, he shrunk unexpectedly from his own protest. Neither their remonstrances, nor their entreaties, nor their assurance of support, could persuade him to incur the displeasure of the court; and during their mutual altercations, the parliament had advanced so far that the opportunity was lost. The representation of Scotland was approved; and the country party, enraged and stung with vexation and shame at the reiterated treachery of their perfidious leader, abandoned all concert, and in a few days deserted the house in despair.

Remaining  
articles  
ratified,

The remaining articles were adopted almost without opposition. To gratify the decayed nobility, protection from personal arrest was secured among other privileges of the British peerage. The *regalia* were carefully reserved, as the emblems of departed sovereignty, to be deposited in the castle, in order to sooth and appease the apprehensions of the people. The distribution and the choice of representatives were deferred, and the articles of union were ratified with the act for the security of the church, and transmitted to the queen. By this artful management, the English cabinet, having first dic-

and trans-  
mitted to  
England.

<sup>19</sup> Lockhart, 326; confirmed by Sir J. Clerk. Hooke's *Negotiations*, xii.



tated to the commissioners the conditions of the treaty, permitted the Scottish parliament to prescribe ostensibly to the English, the terms upon which it chose to submit to an union.

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When the articles were communicated to the English parliament, the tories were disposed to resist the progress of the union, which a single amendment was sufficient to obstruct. A singular device was employed to preclude any alteration, or even a debate. The articles, as they were ratified in Scotland, and an act passed for the security of the church of England, were recited in the preamble of the bill, and were confirmed by a single enacting clause. As the tories could neither dispute the preamble, as a recital of facts, nor oppose the enacting clause with success, the union was carried without an amendment, through the Commons, by surprise. The debates were more solemn, and the articles more fully discussed, among the Lords. An accession of sixty-one members from Scotland, lords and commons, to be returned by means of its privy-council, was magnified as disproportionate to its share of taxes, and as dangerous to the constitution and to the church of England; with whose privileges they were unworthy to be intrusted who had betrayed their own. The union was compared to a marriage contracted without the woman's consent; and it was severely reprobated, as conducted in Scotland by compul-

Debates in  
the English  
parlia-  
ment;



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where the  
union is  
approved  
and exem-  
plified.

sion without doors and corruption within. The whigs, inverting their own arguments at the treaty, depreciated the representation of Scotland in each house, as too inconsiderable to affect the constitution or the church; and maintained that the real danger to which either was exposed, was a popish successor in the interest of France; that England was peculiarly vulnerable from the vicinity of the Scots to its collieries, which in the event of a war would require an immense force, for the protection of the Tyne; that if Scotland were even reduced by force, an union, or a standing army, of which the danger was obvious, would be still necessary to preserve its obedience; and that an object so great and important as the union of the whole island, could never be accomplished without some minute inconveniences, unworthy of regard. The articles of union were approved by a large majority; and when confirmed by the royal assent, were returned, *exemplified*, to the Scottish parliament, to commence, according to the treaty, on the first of May. But the union was no sooner adopted than it was almost infringed. From the prospect of a free trade, a large importation of wines and brandy was expected in Scotland; and large quantities of tobacco began to be sent thither, in order to obtain a drawback on its exportation from England. The loudest outcries were raised by the merchants, a race that screams at imagi-



nary dangers; and the commons interposed at their earnest request, to prevent the importation of those articles from Scotland, free from duties, when the union should commence. But the lords rejected the bill, as a manifest violation of the free intercourse stipulated for trade<sup>20</sup>.

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In the meanwhile the Scottish parliament had proceeded to the distribution and the choice of representatives. The ministers and the prime nobility were disposed to appropriate the representation of the peerage to ancient families, in order to secure an exclusive, if not an hereditary seat to themselves. In opposition to this scheme, a rotation was proposed; but as each party confided in its strength for success, an election was preferred, and a ballot to secure the nobility from corrupt influence, was rejected as dishonourable. Thirty members were allotted to the counties, fifteen to the boroughs; of whom a single member was conferred upon the metropolis. The rest were distributed among fourteen districts, or boroughs classed according to their vicinity, who continued each to elect a commissioner; but by a double election, the functions of these commissioners were reduced to the choice of a member for each district, to the British parliament. The larger counties obtained each a member, the lesser shires an alternate election: and the distribution was made with such haste

Distribu-  
tion,

<sup>20</sup> Burnet, v. 327. De Foe. Boyer, &c.



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and choice  
of repre-  
sentatives  
by the  
states of  
Scotland.

and injustice, that Caithness, instead of being incorporated with Sutherland, which it exceeded in value, was conjoined with the diminutive county of Bute<sup>21</sup>. But the parliament was supposed to violate every principle of government and of public faith, when it assumed to itself the nomination of representatives, in defiance of the articles of union so recently framed. If not entitled to a new parliament, to confirm the union contracted by the present, the people, it was said, while indulged with representatives, could never be deprived of the rights of election, under whatsoever constitution they were placed. But the ministers were desirous to secure the returns; and after subverting the constitution, the parliament was afraid to intrust the people with the choice of their own representatives. As the queen was empowered by an article of union to declare the lords and commons of the English, constituent members of the British parliament, the pretext was seized by the estates to appoint representatives; although the same articles provided that a writ should be issued to the privy-council for elections in Scotland. Sixteen peers

<sup>21</sup> Clerk's Hist. MS. The Earl of Sutherland was a commissioner for the treaty of union, and as the electors in that county were mostly his own vassals, they procured a separate representative for themselves. The Earl of Morton, another commissioner, obtained a grant of the crown lands and rents in the Orkneys.



and forty-five commoners were accordingly chosen by their respective estates. Hamilton, notwithstanding his solicitation and intrigues, was industriously excluded by his own order. From the influence of the court, and the resentment of opposition, few of the Squadroné party were included in the nomination<sup>22</sup>. The rest were devoted to the ministers, and they furnished an unfavourable specimen of the future independence of Scottish members in the British parliament.

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Nothing but the disposal of the equivalent remained. Thirty thousand pounds were allotted to the commissioners for the last, and the preceding treaty; and at this ample remuneration, the people indignantly exclaimed, that the motives of their concessions and the price of their votes were no longer concealed. Two hundred and thirty thousand pounds were appropriated to the Darien company; but the management and distribution of the equivalent were referred to commissioners to be appointed by the queen. The administration was thus enabled to fulfil its promises and to gratify the expectations of its friends, by a partial distribution, or by the allotment of large sums under the designation of public debts<sup>23</sup>. Private grants became more numerous as the parliament hastened towards a conclusion. At the

Disposal of  
the equivalent.

<sup>22</sup> Not above three peers and fifteen commoners.

<sup>23</sup> Id. Minutes of Parliament.



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Parliament  
adjourned  
for ever.Com-  
mencement  
and recep-  
tion of the  
union in  
England.

approaching loss of the national legislature, such visible dejection and despair prevailed, that when the *Exemplification* of the union arrived from England, instead of a solemn dissolution suitable to the event, the parliament of Scotland, not to aggravate the public sorrow, was silently adjourned for a few weeks, but it was dissolved for ever<sup>24</sup>.

The nobility most instrumental in promoting the union, hastened to court to earn their rewards. The Duke of Queensberry, whose life had been frequently endangered in Scotland, was received and escorted through England with the respect and honour due to his success. The patronage of Scotland was placed in his hands. He was afterwards gratified with a pension, and was successively advanced to the first rank of the British peerage, and to the office of third secretary of state, with Scotland for his department. The Earls of Mar and Seafield were rewarded with pensions, and were admitted, with other peers, to the privy-council. Montrose and Roxburgh were created Scottish dukes, as if ambitious of the last honours of an expiring state. A public thanksgiving was proclaimed through

<sup>24</sup> Clerk's Hist. MS. "Seafield the chancellor's observation on adjourning the parliament was, *There is an end of an auld sang*, to his immortal memory and honour."—A Short History of the Revolution in Scotland, in a Letter to a Friend at London, 1712.



England ; and a solemn procession was made by the queen to St. Paul's church, on the first of May, when the union commenced. Addresses from all parts of England were presented to the queen, on the success of an union which her predecessors, for a century past, had attempted in vain ; and the public joy seemed to receive no abatement, except from an apprehension that it might appear immoderate or invidious to the Scots<sup>25</sup>. But a sullen and inflexible silence was observed in Scotland ; a symptom of deep, undisguised discontent. No addresses were transmitted to court ; no acclamations nor public rejoicings attended the union ; nor durst the queen enjoin the observance of the thanksgiving, which might have been contemned as an insult, or converted into a day of solemn fasting, tribulation, and prayer<sup>26</sup>. The equivalent was received amidst the execrations of the people, as the price of their independence, the merchandise exported to England was seized, and their trade was suspended by new regulations, as if to exasperate their discontent. An influx of English revenue officers overspread the country, till then unacquainted with the oppressive laws of revenue ; and their severe exactions perpetually incensed and admonished the people that they were no longer an independent nation. The Jacobites

In Scot-  
land.

<sup>25</sup> Carstairs, 760. Cunningham, ii. 79. Boyer's Annals.

<sup>26</sup> Carstairs, 761.



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rejoiced at the public discontent, as conducive to the speedy recall of their king. Instead of the union, the pretender's birth-day was publicly celebrated; and the presbyterians seemed to have no choice, unless to become a province either of England or of France<sup>27</sup>. We may conceive, but it is impossible to describe the anguish of Fletcher, Belhaven, and the sincere patriots, who were attached to no family or line of succession, but to the independence of their country, which they prized above the prosperity of the British empire. Wherever the independence of a nation has been subverted by conquest, the brave may obtain the mournful consolation that its fall was glorious; and the good, that no exertions of virtue or of prudence were omitted for its preservation. But they beheld their country subjected, by the corruption of its own representatives, to a foreign yoke; the people deprived of all interest or share in the constitution; the genius of Scotland bound and delivered up to the English government, and themselves deprived, by their perfidious leader, of a just and timely recourse to arms. Hamilton himself, whose consummate address had united the most opposite factions so long, had the mortification to find that he was shunned and suspected by every party; and the bitter reflection, that while deceiving others he was duped and deceived by his

<sup>27</sup> Burnet, v. 359. De Foe, 589. Lockhart's Memoirs.



own intrigues, produced a severe illness, that endangered his life.

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1707.

Union  
completed,

The union was not yet complete, unless the same government were established in the united kingdoms, with the same laws against state crimes. The motives of the Scottish statesmen in acceding to an union, namely, to govern by means of the privy-council, exempt from the opposition of the country party, or the control of parliament, have been sufficiently explained. A new commission was issued for the privy-council, excluding such as had opposed the union. A subordinate, yet distinct administration, was delegated by Godolphin, and engrossed by Queensberry, Seafield, Mar, and others; through whom alone all access was obtained to the queen. Twenty-five members, chiefly their own creatures, were appointed commissioners to distribute the equivalent according to their instructions; and as the writs were directed, and the returns were to be made to the privy-council, the management of elections, and the nomination of the representatives to both houses, were placed in their hands. They promised Godolphin the most unreserved support; but the Squadroné party applied to the whigs, to dissolve the administration of the privy-council, from which they were excluded themselves<sup>28</sup>. The situation of Scotland would have

<sup>28</sup> Cunningham, ii. 71. 79.



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by the dis-  
solution of  
the privy-  
council,

been infinitely worse than before the union, if an institution had been preserved which was at once a court of justice and a council of state, wherein policy must ever predominate over the laws. While the legislature remained entire, its oppression was restrained; but if a distinct administration were permitted to subsist, there was no power in the nation to procure the redress of grievances from the British parliament: the complaints and the applications of the people would have been intercepted; and to suppress their murmurs, the privy council must have soon degenerated into the tyranny practised in former reigns<sup>29</sup>. From the same disinterested and enlightened views which produced the union, the abrogation of the privy-council was concerted by Lord Somers, with the principal whigs. A bill was introduced *to render the union more entire and complete*. The same privy-council was proposed for the whole island; the returns of elections were to be transferred to the sheriffs; and the jurisdiction of the Scottish council was to be supplied by justices of peace, an institution often attempted but never accomplished, and by regular circuits of the court of justiciary, twice a year. The administration opposed the bill, against which the Scottish statesmen endeavoured to excite a clamour at home; but there,

<sup>29</sup> Hardwick's State Papers, ii. 473. Burnet. v. 300—78.



the public discontent at the union was gratified by every disappointment which they sustained<sup>30</sup>. They maintained that at that distance from the seat of government, the disaffection of the highlanders, and of the principal families, incensed at an union, required the vigilant inspection of the privy-council; but their real design was to retain the nation in a miserable dependence upon themselves and on the crown. The antipathy to the union was expected to subside the sooner, if every national distinction were once obliterated. An amendment, to prolong the duration of the privy-council till October, was rejected, as a device to secure the approaching elections for a new parliament; and the first of May was prefixed for its dissolution, in order that the anniversary of the union might introduce the same government through the whole island. So variously are our feelings modified and affected by our personal interest, that the loss of a venerable institution was deplored by those who had sacrificed the constitution and the independence of their country without a pang of regret<sup>31</sup>. The concluding labours of the privy-council were usefully employed in recalling the coin, and in altering its denomination; when it was discovered, from the quantity of silver brought to the

<sup>30</sup> Letters from the Earl of Mar to his Brother, MS. in the Archives of the Family.

<sup>31</sup> Letters from the Earl of Mar to his Brother, MS.



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and the in-  
troduction

mint, that the specie in circulation was little less than a million sterling<sup>32</sup>.

It was from a singular train of events, and after an obstinate struggle, that the same laws were instituted against state crimes. The importunities of the Jacobites, and the apparent discontent of Scotland, had roused the attention of the French court. A naval expedition was prepared at Dunkirk; but its destination was prematurely discovered by the arrival of the pretender; and at the prospect of an invasion, England, unaccustomed, from its insular situation, to a war on the frontiers, was filled with alarm. A fleet was fitted out with the utmost dispatch; but the French squadron escaped from Dunkirk, and was prevented only by overshooting the Forth in the dark, from landing the pretender, with five thousand regular forces, at a juncture the most favourable for a descent on Scotland which has hitherto occurred. Not above two thousand five hundred troops remained in the country, natives deeply imbued with the national discontent. The national fortresses were entrusted to persons of doubtful fidelity, and the equivalent was lodged in Edinburgh castle, which was unprovided for defence. No care had been taken to appease the nation, exasperated at the union; and the presbyterians, the only support of government since

<sup>32</sup> Ruddiman's Preface to Anderson's *Diplomata Scotiæ*.  
Sir J. Clerk's MSS.



the revolution, were rather disposed to promote than to resist the invasion. The northern nobility, Gordon, Athol, Errol, Panmure, and others, had engaged to take arms; but the French, on regaining the Forth, descried the approach of the English fleet, and escaped with the loss of a single ship. The prisons were immediately crowded with suspected persons of all ranks; among whom Belhaven, Fletcher, and the principal opponents of the union were included. As the authority of the privy-council was about to expire, the prisoners were ordered to London for examination; and the prostrate nation was unnecessarily insulted with an afflicting spectacle, of its nobility, its gentry, and its most distinguished patriots, led in ostentatious triumph to the English capital. Hamilton, who had retired to England to avoid the insurrection, was also arrested; but by a negociation with the whigs, to support the Squadroné party at the approaching elections, he procured his own release and the discharge of his friends. Lord Belhaven had already survived his country; but at this unworthy treatment, he expired of grief and indignation as soon as he was released. A few gentlemen who had appeared in arms, were remanded to Scotland, to be tried and condemned for treason; but by the connivance of Sir James Stewart, the queen's advocate, who neglected to furnish a list of witnesses, which the judges, who were equally



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of the Eng-  
lish treason  
law.

dissatisfied with government, deemed indispensable, they were unexpectedly acquitted by the justiciary court<sup>33</sup>.

Their acquittal disappointed and enraged the ministers; and in the succeeding parliament a bill was introduced for *improving* the union of the two kingdoms, by extending to Scotland the English laws against high treason, and misprison of treason. The Scottish members were unanimous in their opposition to the first attempts to reduce their country under the laws of England; they maintained that the bill was derogatory, not only to their public, but to their private rights which the union had reserved. When the laws of each nation were examined, the public discovered with surprise, that the mode of trial for treason was more favourable to the accused, and the punishment far more lenient in Scotland. Till the preceding reign, the culprit had been deprived in England of a copy of his indictment; of a list of jurors; and of the aid of council to plead in his defence; which are still denied in inferior crimes. Peremptory challenges were refused in Scotland; but the prisoner was entitled to council; to a copy of his indictment, and to a

<sup>33</sup> Lockhart, 383. Cunningham, ii. 159. Burnet, vi. 6. Boyer. The removal of the prisoners to England was falsely ascribed to the Earl of Mar, whom the queen, in a confidential letter to that nobleman, exculpates from the imputation. Mar's Papers, MS.



list not only of jurors but of witnesses, fifteen days before his trial began. Marriage settlements, entails, and the claims of creditors, were excepted from forfeiture; corruption of blood, as the consequence of attainder, was never incurred unless inflicted by the legislature<sup>34</sup>; and the former iniquitous trials in Scotland appeared indisputably to have proceeded from the accumulation of statutory treasons, and from the arbitrary or corrupt practices of the court of justiciary. But the Scots discovered, when it was too late, that their representation was inadequate, in either house, to the preservation of their public or their private rights. A vote to substitute the English laws against high treason for those of Scotland, was passed in opposition to their whole representatives. A few clauses were inserted, for the security of marriage settlements and entails; but the Scottish peers demanded in vain that the witnesses, as well as the jurors, should be notified to the prisoner before he was arraigned. Burnet, Bishop of Sarum, humanely proposed to abolish forfeiture and corruption of blood; and not to disinherit the innocent offspring for the crimes of their father. As these popular amendments were resumed by the commons, the peers agreed to suspend their effects till the death of the pretender, in the artful expectation that the consequences of attainder might be rendered perpetual by a succeeding

<sup>34</sup> Stair's Institutes, 441.



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parliament, as they were afterwards prolonged during the lives of his sons<sup>35</sup>. Under the same government, the same laws were established through Britain against state crimes. The Scots obtained the repeal of torture, which had been already disused, and a precise rule for the determination of treasons; while the laws of England, by the notification of the witnesses' names, have been improved from theirs. But the introduction of foreign laws was odious to the nation; and the nobility who were afterwards attainted under the succeeding reign, still suffer in their posterity from penalties formerly unknown in Scotland.

Thus, above a century after the accession, when the crowns were united in James VI. the union of the kingdoms was finally accomplished, under the last sovereign of the house of Stuart. Henceforth a new series of events began. The struggles of contending factions were removed. New objects of ambition were presented to the statesman, who engaged in a lottery, of which the prizes were richer, but far more precarious; and when the legislature and seat of government were transferred to the English capital, the history of Scotland expired with its constitution.

General re-  
view of the  
principles,

When we review the principles, in order to trace the consequences, of this memorable transaction to the present times, the union must be

<sup>35</sup> Blackstone, iv. 384.



classed among those great, political innovations in which motives, perhaps of a just expedience, have superseded the doctrines of abstract right. The addition of a few members to the English parliament, neither impaired the constitution, nor deprived the nation of a single representative. But the estates of Scotland, in opposition to the acknowledged voice and sense of the nation, had undoubtedly no more right, abstractedly considered, to transfer their derivative, fiduciary powers to another parliament, than to deprive the people of the choice of their own representatives, or to surrender their legislative functions for ever to the crown. The subsequent acquiescence, or rather the virtual consent of the people, has sanctioned a transaction to which three-fourths of the nation were originally adverse ; and it may be truly affirmed that an event of such national importance and magnitude, so widely beneficial to succeeding times, was never yet accomplished entirely by the purest means, nor without some violence to the freedom of popular consent. But the union, if defective as a question of abstract right, had in point of political expediency become indispensable. Two nations under different legislatures, when united merely by a common allegiance to the same sovereign, are held together by the most slender ties. The connexion may be dissolved by either, on the sudden resentment of a capricious legislature, unless the one has



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acquired a compulsive, or corrupt ascendancy over the counsels of the other, to insure its uniform concurrence in public affairs. The Scottish parliament, therefore, whenever it asserted its own independency, must have either been secured by immense bribes, annihilated by an union, or reduced by force. The first expedient is always precarious, and must have sometimes failed. In the event of a disputed succession, which appeared inevitable, nothing less than an union could have preserved the nation from becoming either an easy conquest, or a field of future contention and bloodshed between England and France ; and the loss of a corrupt and factious parliament, next to that of its exclusive government, was the greatest blessing which Scotland could obtain. The union, which has since been confirmed by the national consent, has acquired, from political expedience, a stability which no Scotsman would propose to dissolve ; and it leaves posterity little to regret, but that the views of the whigs were not more enlarged. If instead of being strictly limited to the exigencies of the times, their scheme of an incorporating union had comprehended the American colonies and Ireland, the former might have still been preserved to the mother country ; the latter might have been reclaimed from its original barbarism ; and the representatives of both, if introduced with the Scots, into the English parliament, might have secured, instead of



endangering its constitutional balance, and have consolidated the strength of the British empire.

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and con-  
sequences  
of the  
union.

But the union gave such little satisfaction at first, that before six years had elapsed, the same party by whom it was established, proposed to dissolve it, from the real or imaginary injuries which the nation had sustained. The Duke of Queensberry had acquired a British title and seat in parliament; but from a laudable jealousy of the influence of the crown, he was deprived of a vote in the election of the sixteen peers for Scotland. When the tories, during the last years of Queen Anne, had engrossed the exclusive possession of power, the Duke of Hamilton was created a British peer; but the house of lords, where the influence of the whigs predominated, opposed his patent as repugnant to the union, and rejected his claim to an hereditary seat. Sixteen of the Scottish peers were admitted, by *virtue of that treaty*, to sit and vote in the English parliament; but they appealed in vain to the fallacious promises of the English commissioners, who durst not deny that the clause was purposely inserted to capacitate, not to disqualify them for additional honours, by creation or descent. The tories procured a succession of acts against the presbyterian church; and the sixteen peers were at last induced to intermingle their private grievances with the public discontent. The malt-tax, from which the Scots had obtained an exemption dur-



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ing the war, was extended to the whole island on the return of peace. But the tax was still appropriated to the deficiencies incurred by the war; and the Scots complained that, from the inferior quality of their barley, it was an unequal and oppressive imposition which the poverty of their country was unable to sustain. Their peers concurred with their commoners in a plan to dissolve the union; the whigs with the Jacobites to rescue their country from the English yoke. On a day appointed to consider the state of the nation, the Earl of Seafield enumerated the various grievances which the Scots endured; that their privy-council was first abolished; that the English laws against high treason were next introduced, and their own repealed; that their peers were then stigmatised as the only persons declared incapable of acquiring honours; that at last, instead of being relieved from the burthens of war, their country was oppressed by a more intolerable tax on the return of peace; and he concluded with a motion to dissolve the union, from which, instead of the expected benefits, such evils were incurred. The motion was seconded by Mar, Argyle, and the Scottish peers, and supported by most of the English whigs; but it was opposed by the tories, who concurred with Harley, to preserve an union of which they still disapproved. They affirmed that the Scots had no reason to complain of the malt-tax, which was



suspended only during the war; and they maintained that the union could not now be dissolved, as the two parliaments by whom it was contracted, had ceased to exist. The Scots asserted that they had acquiesced in a solemn assurance, inserted in the treaty, that the united parliament would never impose an unequal tax beyond the abilities of their nation to sustain; that theirs was not half, nor above a third part of the value of English malt, but that the disproportion of the tax was above two thirds; and that the powers of the two parliaments to treat or to contract, were consolidated in the present, to whom it was equally competent to dissolve an union, which, instead of the advantages promised and expected, was productive only of new grievances, instead of national concord, of additional animosities and mutual discontent. The whigs professed that they were ready to dissolve an union productive of such unforeseen inconveniences, if the protestant succession should be previously secured<sup>36</sup>; but amidst the ostensible arguments of contending parties, their real motives are not always revealed. Though still hostile to an union, the tories were certainly not attached to the house of Hanover; and an obscure plan to restore the hereditary line, was disappointed, according to the Jacobites, by the untimely death of the Duke of Hamilton,

<sup>36</sup> Boyer's Political Transactions, 1712-13, and History. Burnet.



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whom the queen had appointed ambassador to France, from a design, it is said, to introduce her brother the pretender into Scotland, with some Irish regiments in the French service, in order to promote his eventual succession to the throne of England. The whigs, who were apprehensive of similar designs, appear to have listened to the assurances of the Scots, that the protestant succession should be more firmly secured if the union were dissolved. From the separation of the two kingdoms, their friends might obtain an ascendant, and open an asylum for themselves in Scotland, where, with the interest or assistance of Hanover, they might counteract the secret designs of the court. But the tories were equally afraid, lest their adversaries should acquire the direction or the support of that kingdom if it were once disunited; and parties were so nearly balanced, that, by the defection of Mar and London, the motion for dissolving the union was rejected only by four votes<sup>37</sup>.

The two rebellions.  
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The unhappy consequences predicted at the union, seemed to be verified by the two rebellions in which the nation was involved. The first of these rebellions must be ascribed, however, to the impolitic violence of the whigs themselves. A severe proscription from office was begun by the tories in the last years of Queen Anne. Instead of

<sup>37</sup> Sir John Clerk's Memoirs, MS. Macpherson's Orig. Papers, ii. 388.



attempting to reconcile their adversaries to the new government, the whigs transcribed and improved the example, with little intermission, during the two succeeding reigns. Not satisfied with the removal of the former ministers, they demanded their heads; and their persecution converted the tories into Jacobites, and filled the nation with tumult and discontent. Mar, the secretary of state for Scotland, who professed an early allegiance, was sincerely disposed to acquiesce in the succession of the house of Hanover, and procured a loyal address from the highland clans; but the contumelious refusal of his overtures, and of their submission, the impeachment of Oxford and Stafford, and the attainder and exile of Ormond and Bolingbroke, reduced him to despair<sup>38</sup>. On repairing to the highlands he was joined by ten thousand men, from clans or families disgusted at the union, or

<sup>38</sup> Transact. of the Antiq. Society Edin. vol. i. p. 562. The family account of Lord Mar's conduct, to which I have adhered, is confirmed by his confidential letters to his brother Lord Grange, expressive of the utmost solicitude to preserve the tranquillity of Scotland on the Queen's death. On the King's arrival at Greenwich, he attended to present the highland address which Lord Grange had prepared; but was informed that it would not be received, as his majesty was well assured that it had been manufactured at St. Germain. Concluding his ruin determined, he scrupled no longer to accede to the terms offered by the pretender's agent.



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attached to the hereditary descent of the crown<sup>39</sup>. Their insurrection, happily for Scotland, was suppressed with an inferior force, by Argyle their countryman, who, after a doubtful victory, spared the clans and permitted them to disperse. But the new government was actuated by revenge proportioned to its sense of danger; and after two reigns of unexampled lenity, the nobility suffered from unknown laws, on the scaffold, or in numerous attainders, which the humanity of the present age is unable to reverse. The Jacobites, however, were still soothed and consoled, by the adaptation of their songs to the national melodies, to which few Scotsmen can

<sup>39</sup> Sir John Clerk represents the Scots already so sensible of the benefits of the union, "that the pretender, in 1715, was obliged to alter that part of his proclamation which promised to repeal the union; and to express his intention of leaving it to the determination of a free parliament." Sir John, in all his writings, naturally grasps at whatever was favourable to the union, to which he confesses that three fourths of the nation were hostile at the time. Testamentary Mem. MS. That his information in this instance was defective, appears from the pretender's declaration, published after his arrival, and never recalled; "That he came to relieve his subjects of Scotland from the hardships they groaned under from the late unhappy union, and to restore the kingdom to its ancient free and happy state." Boyer's Polit. State, x. 613. Nothing but the danger of a rebellion deterred the presbyterians, on the accession of George I. from concurring with the Jacobites in a national address to dissolve the union. Id. ix.



yet listen without a tear of enthusiastic regret for their ancient independence and race of kings. The second rebellion was distinguished, as the last hostile expedition into England, by the gallant attempt of a few highlanders to restore their prince, and by their victories over disciplined and veteran troops ; but it was suppressed with a wide and unnecessary profusion of blood, on the scaffold and in the field.

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Nor was the union productive, for many years, of those advantages which were at first expected. A feeble attempt to obtain a share in the colonial trade was defeated by new regulations, which the commercial jealousy of the English merchants procured. The migration of stock and trade to the north was a visionary expectation. No new manufacturers were attracted to Scotland by the cheapness of labour ; no improvement was introduced into agriculture ; on the contrary, commerce was still languid, and the price and rents of estates were inconsiderable. Every national exertion was discountenanced ; and during the interval between the two rebellions, the country was alternately disregarded, or treated like a conquered province, prone to revolt<sup>40</sup>. The nation, notwithstanding the gradual increase of its linen manufacture, appeared to

Benefits of  
the union,

at first im-  
percepti-  
ble,

<sup>40</sup> Gibson's Hist. of Glasgow. Lindsay's Interest of Scotland considered. Guthrie's Hist. x. 398, &c.



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be nearly stationary, and was certainly far less progressive for half a century than if no union had ever been contracted. The factions of the preceding century were dissolved with the parliament that gave them birth; but it is observable, that factions are not less necessary in a free state, to preserve the spirit of freedom, than sects and controversial disputes in religion, without which the devout zeal and implicit faith of the votary would soon decay. The national spirit appeared to be sunk and extinguished with those factions which the union had dissolved. Patriotism, that ardent and exclusive attachment to our native country which the national independence of the Scots had excited, could neither be preserved entire, nor transferred to another object, when Scotland merged into the British empire; and from the narrow basis of representation, the people at large, having lost their own constitution, acquired little interest or share in the government into which they were received. The views of Queensberry and his friends in the union, to perpetuate their authority at home, and to establish a numerous party in the English parliament, were afterwards realized by the Dukes of Argyle; two brothers to whom the whole country was long devoted; and the English mistook for the servility of the nation, the dependence of the few members whom Scotland returned.



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afterwards  
immense.

But the national spirit thus apparently extinguished, burst forth in a new direction more beneficial to Scotland. When the contests of domestic faction had ceased, the turbulent fanaticism which distinguished the Scots during the former century, was lost in the pursuits of industry, of literature, and of the arts of peace. Some attempts had been made before the last rebellion to introduce a better cultivation into the Lothians, which has since extended through the west and the north, to the richest provinces beyond the Tay. The gentry, among other efforts to promote manufactures, had begun to breed their sons to mechanical arts, in order to retain them at home. By the abrogation and sale of hereditary jurisdictions, the poverty of the nobles was relieved, and the people were emancipated from their oppressive coercion. The country was gradually enriched by the troops retained to prevent insurrection; and from the advanced price and consumption of cattle in the English market, the farmers accumulated their first stock for the improvement of the soil. The situation of Scotland attracted the peculiar attention of Pelham's administration; and ten years after the last rebellion, the benefits of the union began to be universally felt. The forfeited estates, instead of being sold as formerly, were appropriated to objects of national improvement; and industry was promoted by every

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encouragement which bounties can confer. The Jacobites, soothed by indulgence, and reclaimed by the gradual extinction of their hopes, began to transfer their allegiance from the ill-fated Stuarts, to the reigning family; and under the administration of Chatham, the Scots were employed in the army and navy in greater numbers than were ever known in any former war. Notwithstanding the commercial jealousy and opposition of the English, the merchants of Glasgow had acquired a large share in the tobacco trade; but at first their exports were supplied from England, till they adapted their own manufactures to the colonial market; and from that period the prosperity of Scotland has properly commenced.

Literature  
restored.

When the nation was no longer agitated by domestic faction, literature was again cultivated and restored with unexampled success. During the civil wars, the classical learning for which the Scots were early distinguished, was absorbed and lost in the controversial vortex of religion and liberty; two names ever dear to mankind, with which the world has alternately been guided or deceived. From the restoration down to the union, the only author of eminence whom Scotland produced, was Burnet, the celebrated Bishop of Sarum, who, when transplanted into England, was conspicuous as a political writer, an historian, and a divine. As an historian alone he descends



to posterity; and his curious research into facts, the unaffected ease and simplicity of his dramatic narrative, his bold and glowing delineations of character, are far superior to every historical production of the period. After a long interval the poetical genius of the Scots was revived in the tender and luxuriant Thomson; but the spurious poems of Ossian, a recent forgery, still continue to pollute their history and to corrupt their taste<sup>41</sup>. For a time the mathematical sciences were diligently cultivated; and the medical schools established at Edinburgh acquired an high reputation, which is still preserved. But the Scots, when deprived of their own, contemplated the English constitution, in which their passions were less interested, and the affairs of mankind in general, from which they were estranged, with a more discerning, calm, and unprejudiced eye; and in metaphysical, moral and political science, Hume and Smith appear without a competitor, as the first and most original philosophers of the age. The history of England was investigated by Hume, not with the eyes of a patriot but of a philosopher; and from each author whom he consulted, selecting alternately the choicest diction, he constructed an artful narrative, in which strength,

<sup>41</sup> See the annexed Dissertation on the supposed authenticity of Ossian's Poems.



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precision, elegance, and a copious simplicity are infinitely diversified⁴²; a narrative interspersed throughout with the most profound reflections; and, though partial, perhaps, to a particular system or party, enriched with the most philosophical views of the arguments and peculiar opinions of the times. Less acute, argumentative, and profound, but more correct, inventive, and uniformly elegant, Robertson aspired to the native graces of the English language, and added the rare praise of laborious fidelity to the palm of history which Buchanan had originally conferred upon Scotland. Their steps were followed by others with unequal success; but a few original authors communicate their taste and literature, if not a portion of their divine spirit to their age or nation; and, instead of that classical erudition which adorns England, but which is apt, perhaps, to degenerate into verbal or at least grammatical disquisition, philosophy, moral and political, is cultivated in Scotland, whose authors are still distinguished by their

⁴² Compare with Clarendon, for example, Hume's narrative of the assassination of Buckingham. The orations of ancient history are justly exploded, as an ornament destitute of verisimilitude, and derived originally from the rhetorical schools. Hume's history is liable perhaps to a similar objection; that the views and arguments assigned to each party are too refined and philosophical for the age to which they are ascribed.

science, and by an original freedom of thought and discussion.

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The administration of justice was improved by the union. When hereditary jurisdictions were abolished, each county was relieved from the most vexatious oppression, and thirty sheriffships at the disposal of government, soon reconciled the disaffected bar. The supreme judges, whom the government had no interest to bias, ceased to participate in domestic faction; but the court of session was indebted to Forbes for its present purity, which succeeding presidents were assiduous to preserve. Perhaps the least violent, and the most salutary improvement in the administration of justice, is to open the courts of justiciary and exchequer, under able judges, to the same causes which are competent to the session; that when the subjects are admitted, in civil questions, to the cheap and expeditious alternative of a jury trial, the mutual emulation of the three courts may introduce the same simplicity and dispatch into the forms of judicial procedure⁴³.

The presbyterian church, so conspicuous in the history of the former century, has excited little attention during the present. The rights of patronage were restored in the last years of Queen

⁴³ See Considerations for Dividing the Court of Session into Classes or Chambers, and the revival of Jury Trial in Civil Actions; by the late Lord Swinton.

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Anne. A public toleration was granted to episcopal ministers, using the liturgy, and accepting the oaths to government, which were artfully imposed upon the presbyterian clergy, with an implied acknowledgment, to which it was difficult to submit, that the successor to the crown must profess the same communion with the church of England. The obvious design of the tories in these acts, was to supplant the presbyterians in ecclesiastical government; but the last act has disarmed the intolerance of the clergy, while the first has introduced a mild and more liberal spirit into the established church. While the choice of a pastor was lodged with the parish, the clergy were reduced to the necessity of low adulation; and, to preserve their influence over the people, they were obliged to cultivate the most popular and fanatical arts. Grace and zeal were invariably preferred to moderation and learning; but the clergy when recommended to the notice of the patrons by more laudable arts, acquired more liberal and enlightened ideas. The austere and morose enthusiasm of their order has been gradually refined; but it may be questioned whether the revival of patronage has contributed much to their influence, or to the stability of their church. Their dependence on the patron is slight, or of short duration; and when their former connexion with the proprietors was dissolved, a per-

nicious emulation was naturally excited, productive of litigious and endless disputes. The adherents of patronage, in opposition to the popular or wild presbyterians, arranged themselves on the side of the court; but within a few years the intolerance even of those moderate presbyterians occasioned a wide and memorable secession, which undermines and at some future period, may overturn their establishment. Whatever fanaticism remains in Scotland is preserved by the *Seceders*, who adhere to the covenants and austere morals of the old presbyterians; and though divided among themselves, have continued rapidly to increase, while episcopacy, destitute of enthusiasm for its basis, has almost disappeared.

But the beneficial effects of the union were Conclusion.
peculiarly reserved for the present reign. The progress of industry and trade was immense; new manufactures, particularly of silk, were introduced with success; the Scots employed in the seven years war, returned from abroad with the means or spirit to improve their estates; and the rapid cultivation of the country has redoubled the produce and the value of the soil. Before the commencement of the American war, the merchants of Glasgow had engrossed the chief trade in tobacco for exportation. The interruption of trade during that disastrous war, directed their capital, and the national industry,

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to the improvement of domestic arts; and from the perfection of modern machinery, the cotton manufacture, a recent acquisition, in all its branches so prodigiously increased, already rivals and supplants the productions of the ancient looms of Indostan. Undoubtedly much is to be ascribed to the spirit and progressive state of the nation; but without an union, its unavailing efforts would have still been discountenanced by the commercial jealousy, and depressed by the influence of the English government. The recent benefits of the union are truly inestimable; and if its articles, which are too numerous, and on some occasions preclusive of improvement, have ever been infringed from inadvertence, a British parliament can have few temptations to depart from them by design. National animosities are at length obliterated; and though still regarded as scarcely naturalized, the Scots assimilate so fast to the language, the manners, and the taste of the English, that the two nations cease to be distinguished in the subsequent history of the British empire.

NOTES AND ILLUSTRATIONS.

NOTE I. p. 15.

BURNET, i. 178. Baillie, ii. 451. Cunninghame's History of Britain, i. 13. The fact mentioned by Burnet and confirmed by these writers, is preposterously questioned by Dr. Campbell (Biog. Brit. iii. 190.) whose arguments have been adopted by a late author, in his Observations on Mr. Fox's Historical Work. In opposition to Mr. Fox's affirmation, that "In the trial of Argyle, Monk produced letters of friendship and confidence to take away the life of a nobleman, the zeal and cordiality of whose co-operation with him, proved by such documents, was the chief ground of his execution;" (for which, by an asterisk at the word *nobleman*, Burnet, Baillie, ii. 431. are distinctly cited;) Mr. Rose maintains in the most unqualified terms, that Burnet's assertion concerning the letters produced by Monk on the trial of Argyle, is supported by no authority whatsoever. Fox's Historical Work, p. 20. Rose's Observations on Mr. Fox's Historical Work, p. 15. 22. Appendix, p. 30. As he observes in a note, "Respecting this point Mr. Laing, in his History of Scotland, also relies on the bishop's authority, confirmed *as he says*, by Baillie, vol. ii. p. 431. and by Cunninghame, in his History of Britain, vol. i. p. 13.;" the reader is plainly given to understand, that the two authorities to which I had appealed for a confirmation of the fact, are fabrications

of my own. A false quotation, deliberately employed to deceive the reader, would justly ruin my credit as an historian. To bring the question therefore directly to the test:

Burnet informs us that, “ While it was yet doubtful
 “ how it (the trial) would have gone, Monk, by an inexcusable baseness, had searched among his letters, and
 “ found some that were writ by Argyle to himself, that
 “ were hearty and zealous on their side. These he sent
 “ down to Scotland. And after they were read in parliament, it could not be pretended that his compliance
 “ was feigned, or extorted from him. Every body
 “ blamed Monk for sending these down, since it was a
 “ betraying the confidence that they then lived in.
 “ They were sent by an express, and came to the Earl
 “ of Middleton after the parliament was engaged in the
 “ debate. So he ordered the letters to be read. This
 “ was much blamed, as contrary to the forms of justice,
 “ since probation was closed on both sides. But the
 “ reading of them silenced all further debate. All Argyle’s friends went out: and he was condemned as
 “ guilty of treason.” Burnet, i. 178.

Mr. Robert Baillie, principal of the University of Glasgow, who lived at the period, and wrote upon the spot, (he died at the end of the year 1662) informs us, that, “ When his (Argyle’s) libelled crimes appeared
 “ not unpardonable, and his son, Lord Neil, went up to
 “ see his brother Lorne at London, and spake somewhat liberally of his father’s satisfactory answers,
 “ *Monk was moved to send down four or five of his letters*
 “ *to himself and others, proving his full compliance with*
 “ *them*, that the king should not reprieve him. The
 “ chancellor and Rothes went to court to shew the
 “ hazard of his escape. The man was very wise, and

“questionless the greatest subject the king had, some-
“time much known and beloved in all the three king-
“doms; *it was not thought safe he should live.* The
“condemnatory sentence he took well,” &c. Baillie,
“ii. 451¹.

Cunninghame, who had been travelling tutor to John Duke of Argyle, and had the best access to information from the family itself, evidently alludes to the same fact which Burnet has explained, when he informs us, that after the restoration, “Many letters
“were sent to the king from the nobility out of the
“country, and foreign parts, of which I myself have
“threescore. Here is one from the Marquis of Ar-
“gyle, in which, after wishing his majesty all health
“and prosperity, he gravely excuses his absence, on
“account of his bad state of health, and the length of
“the journey. ‘As to other matters,’ says he, ‘I refer
“to my son Lorne.’” The king on reading this letter, spoke to the Lord Lorne in a very kind manner; upon which Argyle, conceiving hopes of safety, set out for London, and came to court to cast himself upon the king’s clemency. *But through the interference of Monk, with whom he had held a long and intimate friendship,* in the time of Oliver, he was presently committed to custody, and sent back for his trial to Scotland. He endeavoured to make his defence, but *chiefly by the discoveries of Monk,* was condemned of
“high treason, and lost his head.” Cunninghame’s Hist. vol. i. p. 13.

¹ In former editions, misprinted 431, by an error transferred into Mr. Fox’s Historical Work. But this could create no embarrassment, as a person less accustomed than Mr. Rose to historical researches, when referred to the wrong passage in Baillie, would have pursued the train of events, for a few pages farther, till he came to the trial and execution of Argyle.

In opposition to these authorities, Dr. Campbell's Arguments, drawn from the silence of Wodrow, and of the parliamentary records, amount to nothing. The records of parliament could contain no notice of letters irregularly produced after the proof was concluded, and read by the commissioners orders, in the midst of the debate. Wodrow consulted only the parliamentary records, and writing at the distance of sixty years, possessed no traditionary knowledge of the fact. But the first of these authorities in confirmation of Burnet, was distinctly cited in Mr. Fox's Historical Work, at the very passage that occasioned Mr. Rose's observation in question. The authorities are both recited from my history by Mr. Rose himself, when he maintains, on the credit of his own researches, that Burnet's assertion is supported by no authority whatsoever. I trust, and on mature consideration am inclined to believe, that on the part of Mr. Rose there was no intentional misrepresentation of the fact. Yet it is very difficult to conceive, how a gentleman who professes to have made such laborious and useless researches among the public records and publications of the times, in order to invalidate a plain and undoubted historical fact, could overlook in Mr. Fox, the authority to which he was so directly referred, or insinuate that the authorities to which I had appealed were fictitious, when the references to these authorities were not only before his eyes, but were transcribed by his pen. It remains for Mr. Rose to explain those circumstances satisfactorily to the public.

NOTE II. p. 72.

IN the last, and till Forbes was appointed president in the present century, it appears that frequent injus-

tice was incurred from causes being called and decided irregularly, at the option of the president, that the presence, or the absence of particular judges might determine the question according to his mind. To correct this iniquity, the preceding parliament, in an act to regulate judicatures, had ordained: 1. That every cause to be heard in the inner house *should be enrolled, and called* according to the date of its registration: 2. That if a cause is called by anticipation out of its due course, neither party is bound to plead or to appear. It is declared a sufficient defence that the cause had been called out of the order of the rolls; and although the parties should not object, the clerks are forbidden to engross or to extract the decision of the court. Parl. 1672, cap. 16. § 5. 12. It is difficult to conceive a stronger prohibition; but the parties, not aware of Lauderdale's intention, had not at first objected; the cause was not enrolled, as required by the act; and when reported to the inner house, it was not therefore called out of its due course in the rolls. Upon such miserable chicane does that great lawyer, Lord Stair, place the judgment which he pronounced. Stair's Decisions, Feb. 5th, 1674.

NOTE III. p. 95.

THE only historical facts are, the speech in March, the Archbishop's murder in May, the insurrection in June; circumstances of which the first and last are too remote to be received as cause and effect. The supposed effects of the speech are transcribed by North and Echard, from pamphlets written during the virulence of faction, which contains little else than the political lye of the party or of the day. Nothing is more common in faction than to ascribe the necessary

effects of injustice and violence to those who have deprecated and foretold the event; thus the loss of America has been imputed to a speech of the late Lord Chatham. But of those who have improved upon North and Echard, Sir John Dalrymple is the most extravagant. Shaftesbury, who, calling in the aid of war to that party, had maintained a long correspondence, (of which not a trace exists,) with the discontented Scots, first taught them to complain of the tyranny to which they had long submitted, then instructed the English to feel and resent their sufferings; and lastly, by means of a few copies of an unprinted speech, roused eight thousand fanatical Scots to arms. Dalrymple's *Memoirs*, i. 266.

NOTE IV. p. 116

HUME considers Spreule's case as an extraordinary one. He was examined on the ordinary questions—was Sharp's death murder? &c. and on an imaginary plot to blow up the palace together with the duke, Dalrymple informs us that Wodrow had gained credit by appealing to the council records which he, Sir John, had examined, but found no reason for the imputation that the duke attended when Spreule was tortured. In the first place, although the acts of council, in which its proceedings were never inserted, are still preserved, the council records from 1678 to August 1682, though inspected by Wodrow, have been amissing from the public offices above fourscore years. Secondly, Wodrow does not appeal to the council record, but to the more unsuspecting testimony of Spreule himself, who was alive when he wrote. The council record is transcribed by Wodrow; but as the duke's attendance was voluntary, his name is not inserted in the commit-

tee appointed to superintend the torture. Dalrymple's Memoirs, i. 13. Wodrow's Hist. II. 163—4. And MS. Col. vol. iv. 8vo.

The only instance which I have found, of an equivocal humanity in the duke's administration, it would be unjust to suppress. Five young men were selected from the prisoners for the regiments in Flanders; but their behaviour before the privy council was so intrepid or treasonable, that they were transferred to the justiciary court to be condemned and executed, and their heads to be exhibited as usual on the city walls. Next day four more were produced, to be sent to Flanders; but as they began in the same strain, the duke ordered them to be removed, that they might not hang themselves with their own tongues. Fountainhall's Decisions, i. 158—60.

NOTE V. p. 151.

This rude but affecting declaration may explain their calamities as well as the extent of their wrongs:
 “ We do hereby testify that we utterly detest and
 “ abhor that hellish maxim of killing all who differ in
 “ judgment from us. Yet we declare, that whosoever
 “ stretch forth their hands against us by shedding our
 “ blood, either by authoritative command, such as
 “ bloody counsellors, (bloody we say, insinuating
 “ thereby an open distinction between the cruel and
 “ blood thirsty and the more sober and moderate,) jus-
 “ ticiary generals, &c. all who make it their work to
 “ embrue their hands in our blood, or by obeying of
 “ such commands, as malicious soldiers, gentlemen or
 “ commoners, who ride or run with them to lay hold
 “ of us, viperous bishops, curates, and all such intelli-
 “ gencers and others who at sight of us raise the hue

“ and cry against us, shall be reputed enemies to God
 “ and the covenanted reformation, and punished as
 “ such, according to our power and the degrees of their
 “ offence; chiefly if they shall continue obstinately,
 “ and with habitual malice to proceed against us.—But
 “ we do abhor and condemn any personal attempt
 “ without previous deliberation, common concert, and
 “ sufficient proof, therefore let them be admonished of
 “ their hazard, and specially all ye intelligencers who
 “ by your informations, render us up that our blood
 “ may be shed.” Wodrow, ii. App. 137. From the
 murder of Archbishop Sharp the statesmen had some
 reason to be apprehensive of their lives. But from the
 nature of their government little doubt can be enter-
 tained that one part of the nation, but for the revolu-
 tion, would have degenerated into assassins.

NOTE VI. p. 349.

The following letter from lord Stair to the earl of Mar is characteristical and curious.

“ *3d January, 1706.*

“ I acknowledge the honour of yours of the 25th
 “ past, in which your lordship hath been pleased to
 “ give me a full and clear view of our affairs, how far
 “ they have been successful, and where there is danger
 “ that they may miscarry.

“ I am convinced the Inglis have done very hand-
 “ somely and obligingly in repealing all the clauses of
 “ their act which were either injurious or grievous
 “ to us; and though there were no more success to
 “ be hoped for from the treaty, yet that same was
 “ well worth all the struggle we had to obtain it, and
 “ it carries an air of reproof to two sorts of peo-
 “ ple; either those who would not enter into a treaty,

“because they pretended no good would be got by it,
“and others who were so fond as to have rendered
“without any terms, to which it was impossible to
“have brought our nation or parliament. I shall be
“sorry if the Inglis insist too peremptorily upon an
“entire (union) at present. Your lordship knows my
“sentiments on that matter, that I do firmly believe
“an incorporating union is the best for both nations;
“but that may require more time than the present cir-
“cumstances do allow ; for if we should be so unhap-
“py as to be deprived of her present majesty before
“the succession is settled, great mischiefs may follow.
“Therefore I wish that upon the settling of a free
“trade betwixt the nations and all freedom of the plan-
“tations, that the succession were presently declared
“in our next session of parliament, and that the trea-
“ty of an entire union might likewise proceed so as
“a scheme thereof might be offered to both parlia-
“ments ; and if more time were found to be necessary
“for that, yet it needed not stop the other from be-
“ing presently concluded and declared.

“For the nomination I think your part in stating
“the difficulty and giving the general opinion, I con-
“clude the court will hardly adventure to make ano-
“ther mixture without either our’s, or the opinion of
“our friends here ; and if they be of another mind, I
“think it’s our part to submit: if that other brings
“the matter to a good conclusion, as not to be consi-
“dered by what hands, and if the affair miscarries you
“are exonerated ; but I am afraid another step of
“this kind will render D. Queensberry so jealous that
“he will not meddle, and your lordship will consider
“how the business will succeed without him. ’Tis a
“great happiness for the public and security of the

“ people that the two secretaries, and the great men in
“ the government, are of the same sentiments. So
“ long as you continue so as impossible for business to
“ miscarry ; it may stick at one time, but it may do
“ at another. All the opposition can only retard, but
“ without this settlement there is nothing considerable
“ either ill or good, can be done with us. But though
“ you should not come to open breaches, if there arise
“ diffidence or shyness amongst you, then you ruin
“ yourselves, your friends and country. Therefore the
“ common interest is more to be minded than the par-
“ ticular part that every man is to act. Nor is it al-
“ ways the greatest actor that represents the greatest
“ person ; but the several parts are to be given so as
“ the whole plot may be best executed. It's only on
“ this point that I fear heart burnings may arise. The
“ court and our friends there should digest and pre-
“ pare this matter, and I hope the persons shall acqui-
“ esce in what parts friends do assign them ; and who-
“ ever be the principal actor, they should be contented
“ to act with concert, and to allow others their share
“ in the influence and disposal of things, according to
“ their interest and weight in the party.

“ I do not believe that the two dukes will differ in
“ relation to the M. of Annandale. He must either
“ reconcile and quit his humour before the nomination,
“ or then there will be an end of him ; and there will
“ be the more need of caution to retain our friends
“ here and care to take off some that were in opposi-
“ tion. In order to retaining friends it is absolutely
“ necessary to finish what was begun with the north-
“ ern squadron. I know it's not your lordship's fault
“ that Grant is not provided as yet, but except
“ be sheriff of Ross, they will never be hearty,

“ for he manages the rest; and George Brodie is earnest
“ that Captain Brodie be under-chamberlain of Ross,
“ which has some difficulty; but it must either be
“ done, or that kept fair in expectation, which will
“ have great influence in the North; for though that
“ corner, which had many representatives, are the most
“ disaffected to the present establishment and the suc-
“ cession, yet the matter of trade is more in their heads
“ than any others in parliament, which may make them
“ easy in the parliament to ratify these good terms that
“ may be obtained in the treaty.

“ For getting of some of our opposers I wrote for-
“ merly to E. Loudon, hom little I believed of ad-
“ vances had been made by the leaders; my lord Ar-
“ niston is very current for the treaty, and that we
“ should take the best terms we could get, for breaking
“ up is ruin; and he says he would not stick at quit-
“ ting our act of peace and war, which is a fair ad-
“ vance. He is the first baron in parliament, and you
“ will find few of his state to be put upon the treaty.
“ There's indeed a charm in being engaged in a party
“ in common take men off from their own
“ reason; but yet if he were named and on the treaty,
“ I think I could answer for him, and he is certainly
“ for the constitution. There is another friend of
“ yours of whom I'll write to Loudon when I have
“ more assurance. He does not desire to be in the
“ treaty, and he is valuable for his tongue, and I think
“ not high in his pretensions. All his friends are of
“ our side, so if he comes there is no fear that he goes
“ off again.

“ For military matters, I pretend not to understand
“ them. All these gentlemen are so touchy, that they
“ are ready to mistake or quarrel even what's done for

“ their service to accommodate all matters. I must
 “ say the officers of our army having not frequent oc-
 “ casion of fighting for us, they are to be otherways
 “ useful; and there is such a connection and depend-
 “ ence betwixt the state and the army, that the nomi-
 “ nation of officers never was out of the hands of the
 “ ministry. No doubt great regard will be had to the
 “ recommendation of the commander in chief, as to
 “ the recommending of staff officers for the subalterns
 “ where no other reason of state interferences. For a
 “ new parliament I wish this were better; but till it
 “ fail us I would not try another, lest that be worse.
 “ I must say the parliament never failed where the
 “ ministry was not divided; and in the new elec-
 “ tions the party in opposition will have the advantage
 “ of us in diligence; and a person inclined to the
 “ court is easily put by from being chosen in his country.
 “ It would raise a new ferment; whereas our humours
 “ rather cool, and it’s too true that men who desire
 “ easy fair things are seldom so active as those who
 “ have worse intentions.”

NOTE VII. p. 369.

LORD GLASGOW, Queensberry’s instrument in ma-
 naging the Scottish parliament, produced upon oath
 under Harley’s administration, an account of the dis-
 tribution of the 20,000*l*. See Lockhart’s Appendix.
 Tindal’s *Rapin*, iii. 777. Cuninghame endeavours to
 vindicate his friends, *Hist.* ii. 61. 352; but they durst
 not dispute Glasgow’s veracity in the account deliver-
 ed to the house of commons. Marchmont’s share was
 1104*l*. Tweeddale’s 1000*l*. Roxburgh’s 500*l*. Montrose’s
 200*l*. but it is to be observed that the two former ob-
 tained no promotion, the two latter were created dukes,

and had no claim whatsoever to arrears. Some it is said, who granted no discharges, drew their arrears a second time out of the equivalent, from which Queensberry received 23,000*l.* as commissioner, besides 12,000*l.* the balance of the 20,000*l.* which he was permitted to retain. The reader may be surprised at the small sums (25*l.* 50*l.* 75*l.* 100*l.*) employed as bribes, but when reduced to Scotch money, three, six, nine, and twelve hundred pounds, have a better sound, and are quite adapted to the poverty of the country in these times. The least is lord Banff's 11*l.* 12*s.*; but we discover from Carstairs that his lordship, who had been a papist, was so poor as to embrace the protestant faith that he might solicit a small sum for his journey or vote in parliament. Carstairs, 737. Never was an union so cheaply purchased.

Dr. Somerville observes that the money was partly distributed as arrears, partly to defray the expence of magistrates, partly to counteract the intended bribery of the French or Dutch. Hist. Q. Anne, 223. The question is not whether the arrears were due, but whether they would have been advanced unless to purchase votes. The marquis of Athol, who received his arrears, but retained his vote, is a singular exception; nor do we know what secret services he might have performed, like Hamilton. But arrears never paid till then, to create influence, are not the less bribes because they were justly due. As the provost of Wigton, the only magistrate in the list, sat in parliament, the money was undoubtedly given for his vote. The bribery intended, but never practised by the Dutch, is a mere egotism of Cuninghame the historian, who affects to have dissuaded them from the attempt by his personal influence. Hamilton required 20,000*l.* from

France to prevent an union; the very sum which Queensberry procured from England. But the smallness of the bribes must be ascribed to the want of a competition for the purchase of votes.

DISSERTATION

ON

THE SUPPOSED AUTHENTICITY

OF

OSSIAN'S POEMS.

igitur qui te veteribus annalibus Brittannorum originem afferre se asseverant, reddenda opinor illis erit ratio, quis primus ista tradiderit, ubi tamdiu latuerint, quomodo ad nos tot post sæculis incorrupta pervenerint. Quod autem ad Bardos et Seneciones, veteris memoriæ custodes, quidam confugiunt, prorsus per-ridicule faciunt. Id autem multo magis intelligetur, si explicavero quale fuerit id genus hominum, cui de tantis rebus, tam obscuris, et a memoria nostra tam procul remotis, fidem haberi volunt.

BUCHANAN'S HIST. L. II.

AS the poems of Ossian are about to be published in Earse, their supposed original, some reason may be expected for transferring them from the third to the eighteenth century. The argument already stated and explained, in the third volume, (p. 45.) I hold to be unanswerable. In ascribing such primeval refinement to the first and rudest stage of society, we must believe that the highlanders had degenerated on emerging from the savage state, and become more barbarous in pro-

portion as they became more civilized. But the believers in Ossian will still require a more minute detection, which infidels may not be displeased to peruse; and unless my opinion be fully vindicated, I shall be accused of an invidious opposition to our national bard, on the eve of his appearance in the original Earse. The detections that occur, will exceed the usual latitude indulged in these notes. In reducing, however, the numerous detections, historical and critical, under a few general heads; I. The Roman history of Britain: II. That of the middle ages: III. Tradition: IV. The customs and manners of the times: V. The real origin of the poems: VI. Imitations of the ancient and modern poets: VII. The pretended originals: VIII. Macpherson's avowal of the whole imposture; it is my sincere desire to disabuse my countrymen, and if possible to put an end, to the controversy and to the deception for ever.

Detection
of Ossian.

I. I. That the Highlanders, to whom the name of Scots was at first appropriated, originated from Ireland, the ancient *Scotia*, is an historical fact, which has never been controverted except by Maitland, Goodall, and the two Macphersons. The latter have wisely abandoned a millennium of fabulous kings. But the arrival, or the return of the Scots from Ireland under Fergus Mac Erth and his brother Loarn, is established by the concurrence of every Scottish and Irish historian; and their first arrival is marked by Bede, under Riada their leader, from whom their settlement was named Dalriada. Their migration is confirmed by the Irish histories, and their arrival is fixed at the year 258, when a colony was first conducted by Riada to Argyle. In the next century they occur in Marcellinus, under the designation of Attacotti and Scots: a new people, unknown to Ptolemy, that retained the

same settlements in Argyle till expelled by the Picts. But whether their first migration and arrival from Ireland is placed at 258, under Cairbar Riada, or postponed till 503, when they were restored by Fergus, it is an historical fact that there was not a highlander in Scotland, of the present race, at the beginning of the era assigned to Fingal¹.

2. Macpherson had discovered from Toland, O'Flaherty and Keating, that Fingal and his heroes were real characters in the history of Ireland, whose true era was from the middle to the end of the third century. In appropriating those heroes to the Highlands of Scotland, he found a convenient chasm in the history of Britain under the Romans, and connected Fingal with Caracalla in 208, and with Carausius the usurper in 286, in order to ascertain his era without recourse to Ireland, and to escape detection during the intermediate period. His reign and exploits are prolonged in the *Temora*, to the battle of Gabhra, where Oscar was killed by Cairbar in 296²; with the same propriety as if some youthful patriot, who had resisted an union in the Scottish parliament, were again introduced at the end of the same century, as opposing an union with Ireland in the British

From Roman history.

¹ See in Whitaker's *Genuine History of the Britons* asserted, a full confutation of Macpherson's objections to Bede, and of the descent of the Irish from the Caledonian Scots. See Usher. Stillingfleet. Kennedy. Pinkerton's Introduction, &c.

² The battle of Gabhra, in which the Fions or Clan Boiskin were destroyed, is placed by O'Flaherty in 291, but by most others in 296. Ledwich's *Antiquities of Ireland*, p. 10. Campbell's *Strictures on the History of Ireland*, p. 185. O'Halloran's *Hist. of Ireland*, i. 280. The book of Houth, and other Irish Annals, render the fact indisputable; (*Transactions of the Royal Irish Academy*, i. 118.) and the period was sufficiently within the reach of traditionary history, on the introduction of letters by St. Patrick. See Pinkerton's Introduction to the History of Scotland, ii. 74.

senate. By connecting his poems, however, with Roman history, Macpherson has fallen into the most ridiculous mistakes. The absurdity was remarked by Gibbon, that the highland bard should describe the son of Severus "by a nickname invented four years afterwards, scarcely used by the Romans till after the death of that emperor, and seldom employed by the most ancient historians³." The detection is as complete with respect to Carausius. In the middle of the ninth century the fabulous Nennius placed the wall of Severus between the Forth and the Clyde, and represented Carausius as the contemporary and successor of that emperor, revenging his defeat and death on the natives; as repairing and fortifying his wall with seven castles; erecting Arthur's oven as a monument of his victories, and imposing his own name upon the river Carron. That the wall of Severus, if ever it was erected, extended nearly in a line with Hadrian's, from the Tine to Solway, and that the country, within the wall of Antoninus, between the Forth and the Clyde, was abandoned by Caracalla, is a fact, which, though unknown to Macpherson, has been fully established by every English writer, Usher excepted, from Bede downwards to Horsley and Roy. Buchanan, whom Macpherson had consulted, was deceived by Nennius; and on this wretched fable the additional fictions of Ossian are constructed. Fingal is represented in Comala, as encountering Caracalla on the banks of the Carron; in Carrick Thura, as returning from an incursion into the Roman province of Valentia, which did not then exist; and in Croma, Oscar opposes Caros,

³ Gibbon's History, i. 8. 209. Macpherson gives three etymologies of Caracalla; *carac-huil*, terrible eye; *carac-healla*, terrible look; *carac-challamh*, a sort of (terrible) upper garment. Ossian, ii. 222. edit. 1773.

king of ships, entrenched at Carron behind his gathered heap, which, as the wall in Scotland was not built by Severus, Carausius the usurper did not repair. From his gathered heap or collection of stones, Macpherson evidently imagined that the stone wall ascribed to Severus (*ad muram, Newcastle*) belonged to Scotland, and was ignorant that Agricola merely erected a chain of forts; Antoninus, a *vallum* or turf rampart and trench⁴. Trusting to the Scottish antiquaries, he is equally ignorant that the interpolator of Nennius is the sole foundation for the battles and the buildings of Carausius at Carron, and the only authority upon which it is celebrated by Buchanan and himself, as the furthest limit of the Roman empire.

“ Hic contenta suos defendere fines
 “ Roma securigeris prætendit mœnia Scotis,
 “ Hic spe progressus prosita, Caronis ad undam,
 “ Terminus ausonii signat divortia regni.”

BUCH. ii. 56.

3. Carron, assigned by Buchanan as the boundary of the Roman empire, and the scene of Douglas, a tragedy then so popular, Glencoen, or Cona, infamous among the highlanders from the massacre of Glenco, Dumbarton, the Alcluith of Bede, in short, the most noted or classical places in Scotland, are thus, by a dexterous anticipation, appropriated to Ossian. Balclutha, in the poem of Carthon, was burnt by Comhall, the father of Fingal. Dumbarton could not have escaped the accurate observation of Ptolemy, a contemporary, had it existed then. When the wall of Antoninus was erect-

⁴ Nennius, cap. 148—51. Horsley's Brit. Rom. l. i. c. 9, 10. Pinkerton, i. 45. Innes' Crit. Essay, i. 15. Gordon's Itin. Septentrionale. Roy's Mil. Ant.

not then
built.

ed in 140, the Romans would neither have permitted the Britons to retain a fortress of such considerable strength, nor could Dumbarton have been destroyed by Comhall, in the second century, on account of its extreme vicinity to the end of the wall. The fact appears to be, that it was built by the Romans, and named Theodosia^s, from Theodosius, the general of Valentinian, who, in 367, recovered and erected the country abandoned by Caracalla, and erected the province of Valentia between the walls. Balclutha, therefore, had no existence when it was sacked by Comhall; and I suspect much that the incident is derived from the destruction of Dumbarton, in the ninth century, by the Danes from Ireland.

Balclutha a
fictitious
name.

The name itself is an additional detection. When erected by the Romans it retained the name of Theodosio and the privileges of a Latin town (*jus Latii*) till transferred, on their departure, to the native Britons, who formed the kingdom of Strathclyde Welsh. On becoming their capital, it received, or perhaps recovered, the name of *Alcluyd*; which is explained by Bede to be the rock of Clyde. Unable to discover the word in

^s "Maximus hic visitur lacus, cui nomen olim Lyncalidor; ad cujus ostium condita a Romanis urbs Alcluith, brevi tempore a duce Theodosio nomen sortita, qui occupatam a barbaris provinciam recuperavit: cum hac comparari potuit nulla; utpote quæ post fractas cæteras circumjacentes provincias impetum hostium ultimo sustinuit." Richard of Cirencester, l. i. c. 6. If the authority of Richard is denied, the silence of Ptolemy, who enumerates the towns of each nation, is decisive against the existence of Alcluith in the second century. Alauno has been transferred from Stirling to Keir, and the *Castra Alata* from Edinburgh to Cramond or Inverness. As Alcluith was so long unoccupied, it is singular that the Romans, adhering to an established plan of defence, neglected three such natural fortresses as Dumbarton, Edinburgh, and Stirling, for a line of forts and a wall from frith to frith.

Earse, Macpherson imagined that Bede was mistaken, and translated the Gothick, and comparatively recent names of Dunclidon and Dunbarton, the town of the Britons, into *Balclutha*, the town of Clyde⁶. But that Bede's etymology was correct, and Macpherson's a fictitious name of his own, is proved not only by Richard, but by Adomnan who preceded Bede, and who translated *Alcluyth* into *Petracloith* in his life of Columba.

4. Fingal's intercourse with other nations affords the Orkney. same minute, yet conclusive detections. Innistore, the isle of wild boars, which occurs in an Irish ballad to be quoted in the sequel, is transferred to the Orkneys, and interpreted the isle of whales; from a fanciful etymology which Toland's History of the Druids had suggested to Macpherson. Conscious, however, that *torre* never signified a whale in Earse, Smith converts the name into *Innis-orc*, or *Orc-innes*, (isle of whales) from the Latin *orca*, or the English *orc*; a word introduced into their language by the Irish priests. It is evident that Macpherson, who was far gone in Toland's Celtic etymologies, inverted or translated the *Orkneys* into Earse, and converted the name into Inistore, (Torry isle on the west of Ireland), for the benefit of the sound⁷. But the Orkney isles, which he peoples with deserted or possessed by Picts.

⁶ Macpherson, who might discover in Goodall's Introduction to Fordun, (published 1759) the destruction of Alcluith in 870 by the Danes, imagined that *Al* a rock was a mistake of Bede's for *Ball* a town. Dunclidon, which he evidently translates *Balclutha*, has no authority, I suspect, but Baxter's emendation of the *Clidum* of Ravennas. He has given us another town, *Balteutha*, to be still discovered on the Tweed.

⁷ Toland's Hist. of the Druids, 91. n. Smith's Gaelic Antiquities, 231. Collectan. Hiber. iii. 370. See in Macpherson's Introduction to the History of Britain, a ridiculous list, from Maitland, (Hist. Scotl. i.) of Latin words, among others *sericum*, *seriam*, silk, derived from the Earse. His etymology of Britain is curious, *braid*, extensive, *broad*; *in*, land.

Scandinavians, were either uninhabited then, or were possessed by the same Picts whom he indiscriminately confounds in Scotland, both with the Cimbric Britons, and with the Irish Celts. Solinus, a contemporary of Fingal, describes the islands in 240 as equally destitute of woods and of inhabitants, and as covered only with shrubs or heath. “*Orcades numero tres; vacant homine; non habent sylvas; tantum juncis herbis inhorrescunt; cætera earum nudæ arenæ et rupes tenent*”⁸. From this accurate and picturesque description, I prefer his authority, that the islands were then uninhabited, to Tacitus’ vague account of Agricola’s fleet, “*quas Orcades vocant, invenit domuitque;*” and to the poetical fictions of Claudian, who, in the fourth century, peoples Thulé with Picts, and the Orkneys with Saxons, instead of the Saxon isles. Their first inhabitants were the same Picts who inhabited Scotland. The Norwegians had not acquired the islands in the sixth, nor begun to people them till the eighth century, when the petty princes of Norway were expelled by Harold. But Macpherson, ignorant that even then they were destitute of wood, and utterly desert, unless possessed by the Picts, discriminates the Orkneys by the circle of Loda, and diversifies the scenery with aged

Ossian, i. 206. Thus these Celtic etymologists return us our own words as well as our own poems for Earse.

⁸ Solinus, cap. 35, where Richard seems to have read *Triginta*, for which *tres* perhaps is a manuscript mistake, l. i. cap. 8. The Orkneys, as appears from the earliest Norwegian accounts, were without trees. Solinus is generally accurate, though ridiculed for denying bees to Ireland. But Giraldus Cambrensis, who mentions their introduction into Ireland, ascribes their scarcity to the high winds and humidity of the climate, and to the noxious yews which were numerous then. Cambr. Topogr. Hiber. l. i. c. 5.

trees, the flaming or the fallen oak, and a rock with all its echoing wood.

5. In the episode of Conban-carglas, daughter of Torcul-torno, king of Lulan, (for the names in the Cathloda are at least romantic,) we are required to believe that the highlanders were acquainted with Torneo and Lulea by name, at the bottom of the gulph of Bothnia, in Swedish Lapland, at a time when the Romans had no knowledge of Scandinavia beyond the Wener lake. Currachs of ozier, wattled together, and covered with hides, were the only vessels which the highlanders possessed; and as they were neither pirates, nor traders, nor sailors, nor ever addicted to the sea, we may truly affirm that they never passed into Scandinavia in a single ship. The invasions from Lochlin, a name unknown till the ninth century, are equally fabulous. The Suiones, when distinguished by Tacitus as the only northern nation possessed of ships, were still ignorant, in the second century, of the use of sails⁹. The Franks, instructed by the singular and recent escape of their countrymen, who circumnavigated Europe from the Euxine to the Rhine, were the only maritime people that infested the coasts of Britain till the Saxons appeared. Had the Norwegians applied so early to piracy or to the sea, as they must have been attracted by plunder to the southern shores, in preference to Ireland, so their predatory expeditions could not have escaped the observation of the Romans, when Carausius was employed to intercept the Franks¹⁰.

No intercourse with Lochlin.

Unknown in the third century.

II. 1. These historical detections conduct us to the

Detections from the middle ages

⁹ Tacitus Germ. c. 44.

¹⁰ See Gibbon, ii. 84. 123. 8vo. who is careful to distinguish the Franks from the Saxons.

invasions of Scotland and Ireland, in the middle ages, by the Norwegians and Danes, to whom the traditionary poems in the highlands refer. Shaw, Hill, and Dr. Young, late bishop of Meath, who successively searched the highlands for originals, have discovered traditions not of Swaran; but of Magnus Barefoot, who, seizing Cantire and the isles, was killed in Ireland in the beginning of the twelfth century, and who, with an anachronism not uncommon in traditions, is represented in some rude ballads as encountering Fingal. The name is retained by Smith, another reverend translator of those ballads into heroic poems; and in the first Fragments of Fingal, written before the author had digested his plan, Swaran is denominated *Garve*, a literal translation of *Magnus* into Earse. But Macpherson soon perceived the traditionary anachronism; and to render the King of Norway contemporary with Fingal, converted Magnus into the fictitious Swaran.

Ketil.

2. In Carrick-Thura, an heroic poem, Fingal, returning from an expedition into the Roman province, sails next day to visit his friend Cathula, the son of Sarno, King of Inistore. In the Earse version of Ossian, late published, Cathula, to whose name I was once inclined to ascribe a different origin, is reduced to Cathul, and has been evidently adopted from Cathol Macvuirich, one of Clanronald's bards, some of whose poems are inserted by himself in the Red Book of Clanronald, with his name annexed. Cathol, a common name, as I am told, among Clanronald's tenants, is not Charles, as Mr. Astle was informed, but Gathel or Gathelu, the husband of Scota, daughter of Pharaoh, and the founder of the Scoto-Milesian race of kings. But Cathol Macvuirich, the friend of Fingal, and the author of another volume of MS. poems, which Mr.

Astle has assigned to the fifteenth century¹¹, lived and wrote in the reign of Charles I. Two of his elegies are inserted with his own hand in the Red Book of Clanronald; one of them on the death of Ronald the son of Allen, the other on the death of four distinguished persons; who, according to the genealogy contained in the Red Book, all died in 1636. It is in vain to deny the identity of the Red Book, when it was restored as such to the Clanronald family, by Macpherson himself.

3. But what shall we say to Carrick-Thura, the palace of the King of Inistore? In transferring his residence to Orkney, it was necessary to find a local habitation and a name. Thura is the name of a place in Caithness, of which the author had probably heard in Badenoch; and in searching Mackenzie's Maps, he discovered a Carrick in Orkney, which, when conjoined with Thura, seemed to approximate sufficiently towards a local appellation¹². Thura and Thurso are un-

Carrick-
Thura.

¹¹ A few lines of Cathol Macvuirich's poetry have been published by Mr. Astle as a specimen of an Earse MS. of the fifteenth century. The first line of the specimen, "Do islih *onoir* Gaoidheal; the renown (*honour*) of the Gauls is lowered," might have convinced Mr. Astle that the word *honour* could not belong to the highlands in the fifteenth century; and the translation of the Red Book of Clanronald, has enabled me to ascertain the existence of Cathol Macvuirich in 1636. The Red Book begins with the genealogy of the Macdonalds, intermixed with elegies upon different chieftains who died in 1636, composed and signed by Cathol Macvuirich, by whom the first part of the Red Book has been evidently written. At page 36, in a different and coarser hand, "I here," says Niall Macvuirich, the succeeding bard, "write of such things as happened in my own time;" and the rest of the Red Book contains the history and exploits of the Macdonalds under Montrose. From another passage it appears, that Niall Macvuirich was actually present at the battle of Aldern.

¹² Aboriginal Gaelic names of mountains are preserved in Wales; (Lloyd's *Archæologia*, Pref.) Welch or Cimbrick names in Scotland;

doubtedly names of the same Norwegian or Gothic original; but unfortunately for the authenticity of the poem, Carrick is a recent name, of Celtic etymology, never known in those islands, till it was imposed by Stuart Earl of Carrick, on a house which he built there in the last century.

Circle of
Loda.

4. The author discovered in Toland's History of the Druids, and in Wallace's description, or in Mackenzie's maps of the Orkneys, a remarkable circle of stones, similar to Stonehenge, which, whether erected by the Picts or by the Norwegians, he has appropriated to his poetry, and dedicated to the spirit of Loda. That they were raised by the Norwegians in the ninth century, and dedicated to Woden, a traditionary name, appears indisputable. But the origin of Loda, which has no affinity to the twelve names of Odin, seems to perplex the commentators on Ossian. Mallet's Introduction to the History of Denmark, which had been recently published, suggested both the idea and the name. The author asserts in a note that the circles of stones in Orkney retain to this day the name of *Loda* or *Loden*, and appeals to Mallet, as a proof that the temple built by Haquin at Drontheim, went always under the same name of *Loden*. The first assertion I know to be false; and Mallet's words, from Olaus Wormius, are precisely these: "Haquin Comte de Norvege, (Haco in 978, "appointed tributary Earl of Norway by the Danes) "en avoit bati un (temple) pres de Drontheim, a *Laden*

and the names of the Western Isles, and of places along the coast of Caithness are still Norwegian. The Picts, whom the Norwegians found in Orkney, (Diploma in Wallace,) have bestowed their name on the Petland frith, which divides it from Scotland; but the Pictish names of hills and isles are not to be discriminated from the Norwegian; a proof, at least, that the Picts were not Celts. Nor is there a Celtick name, the unfortunate Carrick excepted, to be found in Orkney.

“ (the name of the territory, not of the temple) qui ne
 “ cedit guerre a celui d’Upsal.” When afraid to in-
 troduce the Scandinavian deity into his poems by name,
 Macpherson converted *Laden*, into *Loden* and *Loda*,
 from its supposed resemblance to Odin, whom he names
 indirectly as the *Spirit of Loda*, or of the place of wor-
 ship where the temple stood¹³. But when the author
 cannot adhere to the fact, in an appeal to books to which
 we have access, the world must be forgiven for reject-
 ing the authenticity of the poems, when he appeals to
 traditions to which there is no access.

III. 1. Among the common class of mankind, it is Tradition.
 observed by Mallet, that a son remembers his father,
 knows something about his grandfather, but never be-
 stows a thought upon his more remote progenitors.
 The same argument has always convinced the learned,
 that poems preserved upwards of fifteen hundred years,
 by oral tradition, was a fiction utterly unworthy of cre-
 dit. “ It is indeed strange,” says Hume in a letter to
 Gibbon, “ that any men of sense could have imagined
 “ it possible, that above twenty thousand verses, along
 “ with numberless historical facts, could have been pre-
 “ served by Oral tradition, during fifty generations,
 “ by the rudest, perhaps, of all the civilized nations, the
 “ most necessitous, the most turbulent, and the most
 “ unsettled. Where a supposition is so contrary to
 “ common sense, any positive evidence of it ought
 “ never to be regarded. Men run with great avidity
 “ to give their evidence in favour of what flatters their
 “ passions, and their national prejudices. You are
 “ therefore over and above indulgent to us in speaking

¹³ Mallet’s Intr. i. 79. from Ol. Wormius. Dan. p. 6. Ossian, ii. 104.
 In the Earse version of Ossian, recently published, the word is uniform-
 ly written *Cruth Loduin*, the shape, form, or spirit of Odin.

“ of the matter with hesitation¹⁴.” To estimate the full force of this argument, let us remember that three fourths of the civilized world have been employed, since the era of Fingal, in the recitation of poems, neither so long nor so intricate as Ossian’s ; and consider how small a portion of the psalms or of liturgy can be preserved by memory, much less transmitted by oral tradition, for a single generation.

Mutability
of lan-
guage.

2. In the Fragments published in 1760, the translator, in order to prove their antiquity, assures us that “ the diction is very obsolete, and differs widely from “ the style of such poems as have been written in the “ same language two or three centuries ago.” That the poems have been preserved by oral tradition, in an obsolete diction, or, in other words, in a dialect already disused by the people, is alone sufficient to confute their authenticity. The mutability of language is counteracted only by letters and the art of printing, which, reacting as a model upon conversation, preserve and perpetuate an uniform and refined dialect, through the whole nation, from age to age. An unwritten language diverges in each province into a different dialect, and in every age assumes a new form, though the syntax and radical structures may remain. A tune, a tale, a genealogy, a ballad that adopts the diction of each generation, is the utmost ever preserved by tradition ; and though the Scottish melodies are probably ancient, the songs themselves are of a recent date. But the Earse remained an unwritten language till the present age. That it has remained invariably the same language, since the first migration of the highlanders to Scotland, is disproved by its difference from the parent Irish, a page of which, a few centuries

¹⁴ Gibbon’s Mem. i. 149. Mallet’s Northern Antiquities, i. 52.

old, is confessedly unintelligible to the people at present¹⁵. That any traditionary poems of Ossian, of a remote antiquity, are preserved in the highlands, is refuted by an obvious fact; instead of connecting their clans with the Fions, or heroes of Fingal, the bards or seanachies have given to Scotland their own series of Dalriadick kings. Fordun and Winton, when unable to discover materials for their histories in Scotland, had recourse to Ireland. At the coronation of Alexander III. the highland genealogist introduced by Fordun and his continuators, to recite the royal pedigree, instead of ascending from Fergus Mac Erth to Erth, Congal, Fergus, Fingal, and from thence, according to Macpherson's egregious fictions, to Comhal, Trathal, Trenmor, proceeds through the whole fabulous race, not forgetting Riada, to Fergus I. a sufficient proof that there was no tradition then of the six kings of Morven, whom the highlanders would not have failed to communicate to Scotland, along with their genuine list of kings. The genealogy of the clans has been pushed to the utmost, but not a single family is derived from the Fions. They were unknown to Monro, dean of the Isles, in his genealogy of the Clans, and are mentioned in Buchanan's Surnames as an Irish militia commanded by Fion-macoel, concerning whose huge stature and exploits, "diverse rude" rhymes were retained by the Irish and some of the "highlanders;" but Martin, who mentions the same traditions, and enumerates some Irish manuscripts found in South Uist, and Lloyd, and, Sir George Mackenzie, to whom they were communicated, were

¹⁵ O'Connor's Ogygia vindicated, p. 20.

equally ignorant of the kings of Morven, and of Ossian's Poems¹⁶.

Attestations.

3. No sooner were the translations published than the traditionary existence of the poems disappeared. Of the numerous attestations from those who had *heard* or remembered to have *known* the originals, no one, it is observable, ever presumed to assert that he possessed in writing, or could repeat from memory, much less that he had originally furnished, a single fragment of the poems which Macpherson had translated. When Johnson visited the Western Isles, the natives had nothing to communicate that deserved attention. Stone, a collector of Earse poems, who preceded Macpherson, Shaw, the author of the Gaelic Dictionary, Mr. Hill, an English gentleman, Dr. Young, late Bishop of Meath, Sir James Foulis, an enthusiast for Celtick poetry, discovered only such rude rhymes of the fifteenth or sixteenth century, as, Ossian's religious dispute with St. Patrick, the battle between Fingal and Magnus, the combats with Con, Muirartack, Ullin king of Spain, Erragon of Lochlin; the death of Oscar, of Deirdar, and of Dermid, who trod on the poisonous bristles of a

¹⁶ Monro's Descrip. of the Western Isles and Genealogy of the Clans, MS. Adv. Lib. W. Buchanan's Hist. of the Buchanans and Scottish Surnames, p. 12. Martin's Western Isles, 89. 152. 219. The manuscripts of Beaton, which Martin mentions, were examined by Lloyd, who found three leaves of Cairbar Lifachair's history which Sir George Mackenzie quoted against Stillingfleet, but was unable to read. Stillingfleet justly observed, that Cairbar, an Irish king in 284, had been turned into an author by mistake. Origines Britannicæ, Pref. 42. But Sir George, who discovered the history of Cairbar, (the prince that killed Oscar at Gabhra, and appears so conspicuous in the Temora,) was still ignorant of Fingal and the kings of Morven, in his researches among the highlanders concerning the antiquity of the royal line. Nicholson's Scottish Hist. Library, ch. ii. p. 24. Mackenzie, ii. 430.

wild boar he had slain¹⁷. In their research for manuscripts, Johnson's assertion remained undisproved, that there was not an Earse manuscript above a century old. As a proof that the highlanders were neither rude and illiterate, nor the Earse an unwritten language in Ossian's days, we are gravely told, in reply to Johnson, that the Druids, when expelled from Scotland, retired to Iona, where they established a college, and lived and taught unmolested, till dispossessed by Columba in the sixth century¹⁸. There is no proof but conjecture that the Druids ever existed in Ireland, where their human sacrifices, their divination from human victims, and their favourite doctrine of the metempsychosis were entirely unknown¹⁹. The fact ap-

¹⁷ See Mr. Hill's Collection in the Gentleman's Magazine, 1782—3, Dr. Young's in Transactions of the Royal Irish Academy, vol. i. We are told that Jerom Stone, a schoolmaster at Dunkeld, whose English poetry was inserted in the Scots Magazine 1756, had conceived the idea of translating Ossian, long before Macpherson appeared. Smith's Gael. Antiq. 92. n. Stone's Collection of Earse poems is in Mr. Chalmer's possession, and from the list now before me, it is certain that he discovered nothing else than those Irish ballads described above. The late Sir James Foulis applied to Earse, in his old age, in order to read the epic poems of Ossian in the original; but when he had acquired the language, the epic poems were not to be found. He had nothing to contribute to the Perth edition of Gaelic poetry but those Irish ballads; and in his letters, he inveighs bitterly against Macpherson. "Ossian Macpherson is an execrable fellow. In spite of all that has been said, or ever may be advanced, in favour of the authenticity of Ossian's Poems, the concealing his originals will always be looked on as a convincing proof that he has forged them himself. It is demonstrable that he has used great juggling about what he calls the two epic poems of Fingal and Temora, and he will probably never shew the original poems."

¹⁸ Smith's Gaelic Antiquities, 68.

¹⁹ Cæsar, l. 6. c. 13. The name is nothing. Druid, in the Celtick, signifies merely a wise man or wizard. But we discover no trace in Ireland, on the arrival of St. Patrick, of the doctrines or human sacri-

Manu-
scripts.

pears to be certain that there never was a Druid in Scotland: otherwise Tacitus, who describes the destruction of their order in England, must have remarked their influence, or their existence under Galgacus, in the Caledonian war. The man who can thus create an historical fact, requires nothing but genius to fabricate an epic poem. But when manuscripts are appealed to, let a single book of Fingal in manuscript, such as translated by Macpherson, of an older date than the present century, be produced and placed in a public library, and there is an end of the dispute. Macpherson of Strathmashie, a poet who assisted in transcribing the poems from old manuscripts, or oral tradition, or whose poetry, I presume, is, in other words, intermixed with his kinsman's, affirms that one of the old manuscripts which he read or transcribed, was dated in 1410; and the credulous Lord Kaims, in his Sketches of Man, was persuaded to assert that the four first books of Fingal were contained in a Gaelic manuscript, written on vellum in 1403, which the translator found in the Isle of Sky²⁰. In Trinity College, Dublin, in the Bodleian library at Oxford, and perhaps in the highlands, there are Irish manuscripts of

fices of the Druids, whose groves were *sævis superstitionibus sacri*, and who, intermixing a Phœnician superstition with barbarous rites, *cruore captivo adolere aras, et hominum fibris consulere deos fas habebant*. Tacit. Ann. l. 14. c. 30. Strabo, l. 4. p. 198. An established and well disciplined priesthood like the Druids, would have resisted, and might have prevented the introduction of Christianity into Ireland. But the most learned and rational of the Irish antiquaries, Ledwich and Campbell, are still tenacious of the Druids, and of the Tuath de Danan; undoubtedly a colony of Damnii from Britain.

²⁰ Appendix to Blair's Dissertation on Ossian. Kaims's Sketches, i. 426. The copy of Winton's Chronicle in the Royal Library, the oldest Scotch manuscript extant, is not older than 1421, nor later perhaps than 1430. D. Macpherson's edit. p. 31.

the ballads published by Hill, by Miss Brooks, and by the Bishop of Meath. The *Red Book* of Clanronald's bard, to which such frequent and confident appeals have been made, was recovered from Macpherson, and contains the genealogy of the Macdonals, and their exploits under Montrose, Colkitto and others, down to the year 1686, when it was probably written; with some short songs of the present century by Macvuirick the bard, but not a single syllable of Ossian's poems²¹.

²¹ The Red Book of Clanronald, (*Leabhar Dearg*,) is now in my hands. It is a small mutilated duodecimo, in modern binding, of an hundred and fifty leaves, in the Irish character which the Macvuricks understood and wrote; and is dated Sept. 8, 1726, in the midst of the songs. But the only poem relative to Ossian, in the whole collection, is a short ballad in the Scriptural style, on the longevity of the Fions; of whom Gaul lived three hundred and odd years, Ossian four hundred, and Fingal himself fifty-two tens of years, that is twenty-six score, or five hundred and twenty years. What is more to the purpose, this is the only MS. specified in Blair's Appendix, as communicated to Macpherson. "Mr. Angus Macneil writes—that Neil Macmurrick, whose predecessors had for many generations been bards to the family of Clanronald, declared in his presence—that he himself gave to Mr. Macpherson a manuscript containing some of the poems which are now translated and published." Luckily Macpherson had given an obligation to restore the book; and was actually threatened with a prosecution by the Clanronald family, before it was restored. The only other MS. ever specified or appealed to for the originals of Ossian, has been thus described. "If Dr. Johnson will but call some morning on John Mackenzie, Esq. of the Temple, he will find more volumes in the Gaelic language and character, than perhaps he will be pleased to look at after what he has said. Among these are two volumes which are very remarkable: the one is a large folio MS. called *An Duanaireadh Ruadh*, or the *Red Rhymer*; which was given by Mr. Macdonald of Glenealadel in *Muideart*, to Mr. Macdonald of Kyles in *Cnoideart*, who gave it to Mr. Macpherson. It contains a variety of subjects, such as some of *Ossian's Poems*, Highland Tales, &c. The other is called *An Leabhar Dearg*, or the *Red Book*, which was given to Mr. Macpherson by the bard *Macvuirich*. This was reckoned one of the most valuable MS. in

But the four first books of Macpherson's *Fingal* in Earse, written at the beginning of the fifteenth cen-

the bard's possession." Macknichol's *Remarks on Johnson's Journey to the Hebrides*, p. 303.

Having ascertained the contents of the Red Book of Clanronald, to the satisfaction of the public, I applied to Mr. John Mackenzie for the production of the Red Rhymer, to which Johnson was referred by Macnichol with such peculiar effrontery, or rather perhaps by Macpherson himself. Mr. Mackenzie is the gentleman to whom Macpherson bequeathed his MSS. and the publication of his Earse version of *Ossian*; and I required him, "as he valued, or wished to vindicate the memory of his deceased friend, to produce and lodge the Red Rhymer in some public library, or what would be equally satisfactory, to transmit the book to the Highland Society of Scotland, for public inspection, or in short to produce a single MS. of a single poem of *Ossian's*, such as the conclusion of my Dissertation required."

In consequence of this requisition, nineteen manuscript volumes, in quarto and octavo, were transmitted to Edinburgh; but the Red Rhymer in folio, the only remaining MS. ever specified or appealed to for the originals of *Ossian*, was not produced. The MSS. consisted of medical and religious treatises, Irish legends and legendary histories, an obituary, a vocabulary, genealogies, &c. with many of the Irish ballads ascribed to *Ossian*; but not a single original, as far as could be discovered, of Macpherson's pretended translation of *Ossian*. Upon this subject I can give the reader the more satisfactory proofs. 1. According to Mr. Mackenzie's explanation, "these Gaelic MSS. were placed in his hands, as secretary to the Highland Society of London, for the purpose of removing the doubts, which were raised several years ago by Dr. Johnson, whether any ancient manuscripts in that language really existed;" and some of them in all probability were the same MSS. which Macpherson had formerly left in Becket's shop. They were examined by Shaw, at Dr. Johnson's request, as we may well presume; but Mr. Mackenzie did not venture, then or afterwards, during the controversy between Shaw and Clarke, to point out a single original of Macpherson's *Ossian*. 2. On examining them myself, I was highly gratified to find the identical MSS. of which Mr. Astle has published specimens (*Origin of Writing*); and though I differ with reluctance from that distinguished antiquary, my doubts concerning the specimen of Cathal Macmuirnuigh's poems were confirmed by the MS. Instead of belonging to the fifteenth century, it is certainly not much older than

tury, in the short interval between Fordun's and Winton's Chronicles, twenty years before the oldest manuscript extant in the Scottish language, is a literary curiosity or forgery which the world has not yet seen.

IV. 1. The contradiction is not greater, between ^{Manners.} the primeval refinement ascribed to the highlanders, and their recent barbarism, than between their real manners at the period of Fingal, and those described in the poems of Ossian. The Caledonians, and Mæatae between the walls, are minutely described both by Dio and Herodian. The former observes that they possess dry and rugged hills, or desert and marshy plains. Destitute of walls, of towns, and of agriculture,

the Red Book of Clanronald's bard, which is written in nearly the same character; is frequently inscribed with the same name, Cathal, (or Catholus) Macmuirneach ccy. (cecinit) and has acquired the same marks of antiquity from the damp and smoke of Macvurich's cottage. But whether these MSS. were communicated to Mr. Astle, by Macpherson himself, or by his friend Mr. Mackenzie, the conclusion is certain, that if they had contained a single poem of Macpherson's Ossian, that poem would have been pointed out, in preference to Macvurich's, as the most proper to be engraved and published, as a specimen both of Earse poetry, and of Earse manuscripts. 3. In answer to the pointed requisition which I had made, Mr. Mackenzie produced nineteen volumes of MSS. not to ascertain the authenticity of Ossian, but professedly "placed in his hands to remove the doubts raised by Dr. Johnson, whether any ancient Gaelic MSS. really existed." The question was not whether any Earse or Irish MSS. could be found in the Highlands; but whether a single book of Fingal, or a single poem of Ossian's, such as translated by Macpherson, of a decent length, could be produced in manuscript, and that manuscript indisputably of an older date than the eighteenth century; the condition upon which I had publicly engaged to renounce my objections, and to become a sincere convert to the authenticity of the poems. But Mr. Mackenzie purposely evaded the requisition. In the literary treasures of the Highland Society, collected with such care for the refutation of Johnson, he was unable to point out, either to Mr. Shaw, or to Mr. Astle, or to myself, a single MS. that contained the original of a single poem in Macpherson's Ossian.

they subsist by pasturage, hunting or fruits, (for they abominate fish though abundant,) and reside in booths, naked, and without shoes, using their women, and supporting their children, in common. Their government is mostly democratical. They delight in robbery, and fight from cars with small and swift horses; but their infantry is equally firm in action and rapid in pursuit or flight. Their arms are a shield, a dagger, and a short dart, with a brazen apple towards the point. to astonish the enemy with the sound when brandished. They are inured to hunger, cold, and fatigue; immersed in their morasses, with their heads only above water, they can endure hunger for many days, or subsist in their woods upon roots and bark. “Towards the sea,” says Herodian, “most parts of Britain are full of marshes, through which the barbarians are accustomed to swim or wade, disregarding the mud, as they are almost naked; for they are unused to cloaths, encircling their loins and neck with ornaments of iron, a mark of wealth which they prize like gold. Their bodies are stained with the figures of animals. They are warlike and blood-thirsty; and are armed only with a narrow shield and a lance, with a sword depending from their naked bodies; but without helmet or mail, which they deem an impediment in crossing their marshes, the vapours of which constantly darken the sky.” Such were our savage Caledonian ancestors; and though the present highlanders had not then arrived, their Irish progenitors were still more barbarous. *Gens inhospita et vellicosa*, says Solinus. *Sanguine interemptorum hausto, prius victores vultus suos oblinunt. Fas ac nefas eodem animo ducunt.* St. Jerome, an eye witness, asserts that, in the third century, the Attacotti were

addicted to human flesh. Although we should reject the fact with the community of women among the Caledonians, a people obnoxious to such imputations must have been truly barbarous, and we are assured by Gildas, that the Picts, and their allies the Scots, were still savages at the departure of the Romans.

*Emergunt certatim de carucis, tetri Scotorum Pictorumque greges, moribus ex parte dissidentes, et una eademque sanguinis fundendi aviditate concordēs; furciferosque magis vultus pilis, quam corporum pudenda, pudendis proxima, vestibus tegentes*²².

2. When we return to the poems of Ossian, I should Compared with Ossian's. insult the understanding of the reader were I to expatiate upon the gross contradictions between the generous heroes, the chaste or lovesick maids, clad in complete steel; feasting from sparkling shells, in the halls of mossy towers, traversing the northern ocean in large ships, yet subsisting entirely upon venison; and those naked, sanguinary barbarians, armed with a small shield, a dart, a dagger; almost destitute of iron, which they prized like gold; residing promiscuously in wattled booths, and possessed of no navigation but that of currachs, which cross the Irish channel, says Solinus, during a few days only at the summer solstice. If the poems, though not quite so ancient, are said to be still authentic, my answer is this: As the hunting, pastoral, and agricultural stages of society, the virtue, and supreme felicity of the savage state, are the peculiar doctrines of modern times, the poems must either belong to the present age, or to the age which they describe; and if it be once admitted

²² Dio Cassius, l. 21. p. 339. Herodian, l. 3. c. 47. Solinus, ch. 30. Gildas, ch. 15.

that the poems are ascribed to Ossian by a posterior bard, the conclusion is inevitable; that there was no age so likely as the present, and no man so qualified as Macpherson to produce the imposture. The Caledonians and Irish, if destitute of agriculture, were already far advanced in the pastoral state: their cattle and horses were domesticated: their cars are infallible marks of a pastoral nation, recently migratory; in the Hebudes they subsisted upon milk and fish; but the poems of Ossian are descriptive of the manners and customs of every age but those of his own. The allusions to herds and harvests, which occurred in the first Fragments, were easily suppressed; but the translator knew not what to avoid, nor what customs to ascribe to the age. No religious adorations, sacrifices, or rites; nothing peculiar to the age is described; but the savage state is gratuitously invested with more than the generous gallantry of chivalry, the morals of christianity, or the sentimental affectation of the present times.

Religion
omitted.

3. But religion was avoided, as a dangerous topic that might lead to detection. The gods and rites of the Caledonians were unknown; and for this omission, the translator informs us, from the most authentic tradition, that the Druids had been extirpated by Trenmor, the grandfather of Fingal. Not satisfied with such authentic tradition, the other Macpherson assures us, with the same plausibility, that as religion was appropriated to the Druids, and epic and heroic poetry to the bards, Ossian durst not encroach upon the province of those priests whom his ancestor had expelled²³. In rude societies religion is interwoven, and so inti-

²³ Ossian, ii. 218. Dr. Macpherson's Critical Dissertation. 207.

mately blended with the fine arts which it supports, that unless supported in return by poetry, painting, sculpture, music or eloquence, it must cease to exist. From the danger, however, or the difficulty of inventing a religious mythology, the author has created a savage society of refined atheists; who believe in ghosts but not in deities, and are either ignorant, or are indifferent to the existence, of superior powers. In adopting Rousseau's visions concerning the perfection of the savage state, which were then so popular, Macpherson, solicitous only for proper machinery, has rendered the highlanders a race of unheard-of infidels, who believed in no gods but the ghosts of their fathers.

4. The same difficulty occurred in the adaptation of Customs. circumstances, peculiar customs, or rites to the age. No nation was ever destitute of some name for its favourite liquor. But mead is still unknown in the highlands: without agriculture there was neither ale nor whisky; and the beverage of the Celts was left to obscure conjectures on the strength of shells; Roman wine, as Macpherson insinuates: a conjecture, says the credulous Whitaker, utterly incredible. In the first fragments of Fingal, the tree of the rustling leaf²⁴ was the trembling poplar, *cran na crith* or *crithian*; a literal translation of the Saxon aspin; but the translator discovered that the poplar (*populus*) was introduced by the Romans, and suppressed the name. The yew tree, (*iubhar*,) from the Saxon and German derivation of the name, and from the care to plant and preserve it in church-yards, was certainly not indi-

²⁴ From Thomson's Spring, l. 155.

“When not a breath
Or *rustling* turn the many twinkling *leaves*
Of *aspin* tall.”

genous; yet it occurs repeatedly as a forest tree. In the history of Ireland, the silence with respect to the existence or destruction of the moose deer, the large horns of which are found in its bogs, is a sufficient refutation of its Milesian antiquity, and pretensions to letters before the christian era; and in the poetical annals of a tribe of hunters, the omission of the wild cattle, of the wolves and boars of the Caledonian forest, reflects the same discredit on the authenticity of Ossian²⁵. The method of dressing venison in pits lined with hot stones and covered with heath, the only appropriate custom of the age, is transcribed from Keating's account of the Fions, the militia of Ireland, who lived at free quarters in winter, and as they subsisted by hunting and fishing in summer, a minute description is given of the mode of preparing their game²⁶. In Homer, we attend the heroes at their altars, and at the repasts which they prepare themselves. We attend Penelope to the loom; and enter so completely into the whole economy of their military and domestic life, that it requires some criticism to discover that Homer lived at a more improved period than the age which he describes. As Virgil flourished at a later period, the remote characters and scenes are less distinctly portrayed. From the genuine Ossian, a contemporary distinguished among the heroes whom he celebrates, we should obtain, if not an accurate de-

²⁵ The destruction of the moose deer in Ireland is ascribed by some to a murrain; such as is incident to the elks in Lapland. Wright's Louthiana, part iii. p. 20. Ledwich's Antiq. 127. Wolves were common in the highlands till the last century. The boar occurs in the Lives of Columba. The British and Caledonian bears are mentioned by Plutarch, Martial, and Claudian; and the wild cattle are still preserved in parks, i. 258.

²⁶ Keating's Hist. of Ireland, 269.

lineation of their characters, some insight at least into the domestic manners, arts, and occupations of the early Caledonians; some account of their dress, diversions, houses, beverage, and religious rites. But from Ossian's reputed father, nothing more was to be expected, in the eighteenth century, than from his model Fenelon's description of the Greeks. The customs of every subsequent age were unavoidably appropriated to the earliest, of which he was ignorant. In the Orkneys, and in the Western Isles, he discovered the Norwegian temples or circles of Thor and Woden, but forgot the worship and human sacrifices to which they were appropriated. From an Irish ballad of the sixteenth century, he transcribes the offer of an hundred hawks, an hundred handmaids, an hundred sanctified girdles, an apple, or an arrow of gold, as tribute from hunters equally ignorant of hawking, female servitude, popish saints, and of the precious metals²⁷. But the ideal manners of romance, the insipid outlines of perfect, sentimental heroes, prevail throughout. The very shields resound, when struck, like an Indian gong; an absurd imitation of the brazen basin or targe, which was suspended, in order to be struck by the challenger, at the bridge or portals of the castles of Romance.

5. But the total omission of beasts of prey deserves particular attention. The wolf was once universal in Britain, till the wise policy of Edgar, in the tenth century, almost entirely extirpated the species in England and Wales. Some traces of the existence of wolves at a later period, were discovered by Camden in Derbyshire and Yorkshire; and in the mountains of Northumberland, they continued so numerous, after the

²⁷ Ossian, i. 398. Transactions of the Royal Irish Academy, i. 88. Martin's Western Isles, p. 9.

conquest, that some well known grants of land were held, as I am informed, on the condition of clearing the country *a latronibus et lupis*. But the wolf was frequent in the highlands, even when Camden wrote. At an early period, Hector Boetius observes, *Igitur toto regno, nisi qua prohibet humana habitatio, leporum, caprearum, cervorum, sylvestrium equorum*²⁸ (*quos ab agrestibus, emissis emissariis mansuetis, mira, quadam arte sub hyemem captos abducunt*) *loporum, et vulpium, ingens ubique proventus. Cæterum lupi ubique atrocissimi sunt gregibus, atque armentis inferissimi*. All Scotland was then infested with wolves, insomuch that by a statute of James II. the sheriff was appointed to raise the whole county three times in the year, for the destruction of their cubs, and to exact a penalty from each inhabitant who neglected to attend. By these regulations the wolf was probably extirpated in the lowlands, and is not once mentioned when James IV. in 1528, hunted with such magnificence in the southern counties; but when he hunted next year in the highlands, besides thirty score of hart and hind, roes, roebucks, *wolves*, foxes, and wild cats are enumerated by Pitscottie, as the lesser products of the chace²⁹. In the succeeding reigns, Lesly describes the whole highlands, from Menteith northwards, as infested with wolves. *At vero lupos quam plurimos, atque eos sævissimos, sicut et omnes septentrionales nostræ regiones qui non solum in oves, in boves, ac equos impetum faciunt, sed etiam homines et mulieres, in primis gravidas, immanissimè sternunt*.³⁰ Camden informs us, in his *Britannia*, that Strathnaer, and many

²⁸ H. Boethii, ii. Hist. fol. 14.

²⁹ Pitscottie, p. 147.

³⁰ Leslæi, Hist. p. 18.

other parts of Scotland, were then grievously infested with fierce wolves, that destroyed the cattle and the inhabitants themselves. Taylor, the water poet, who visited Scotland in 1618, accompanied the Earl of Mar to the highlands, on a hunting expedition, and was an eye-witness of the wildhorses and wolves, which Boetius has described; and at a later period, Sir Robert Gordon describes the forests of Sutherland as filled with red and fallow deer (probably roebucks) *wolves*, foxes, wild cats and otters³¹. It appears that wolves were equally numerous in Ireland, where they continued till the end of the seventeenth century; and as the last wolf killed in Scotland, was in 1696, so the last presentment by a jury for the destruction of wolves in Ireland was in 1710.

The wolf therefore prevailed universally, both in Scotland and in Ireland, for many centuries after the supposed era of Ossian's poems. To a tribe of hunters supported by the chace, the devastations committed by the wolf, which diminished their subsistence and endangered their safety, must have rendered that animal the peculiar object of hostility and destruction. Allusions to its savage qualities, its strength and ferocity, must have been frequent in their poetry; and whether as the subject of simile, or of description, the wolf must have been the same to Ossian as the lion to Homer. The wolf dog indeed is very accurately described, as "the long bounding white breasted son of the chace;" "a deer fell by each dog, three by the white breasted Bran," and the Irish or highland greyhound or wolf dog is the only species that is able singly to intercept and kill a stag. No illusion, how-

³¹ Bleau's Atlas.

ever, to the wolf itself is contained in the poems; much less to the wild bulls³², the boars and bears of the Caledonian forest. The wolf dog was still preserved by the chieftains for hunting the deer; but the translator had obtained no information, written or traditional, concerning the former existence of wolves in the highlands of Scotland. He had adopted an early and fixed resolution to introduce no similies from beasts of prey, not only as at all times unknown in Scotland, but as likely to betray him into a trite and obvious imitation of Homer. The wild boar was therefore transferred to Scandinavia and the Orkneys, and tame cattle to Ireland; and nothing but the red deer and the roebuck, was left to range in the Caledonian forest.

Origin of
the poems.

V. 1. The origin of the poems may be distinctly traced. On awaking from a long lethargy that succeeded the union, the Scots, with their national ardour, sprung forwards towards industry and commerce, and began to vie with the English in every literary pursuit. In philosophy and history Hume and Robertson had acquired an unrivalled excellence. The laurels of Thomson were recent. Home, whose Douglas was rather overvalued by his countrymen, had produced a promising specimen of tragedy, from which much was expected; and under a Scottish minister, the patron of genius, nothing was wanting but an epic poet to emulate Milton. We know that Homer and Milton were blind, but a third blind bard, like them the author of two epic poems, must be ascribed to imitation, not to

³² When Lesly wrote, the wild cattle of the Caledonian forest were still preserved at Stirling, Cumbernauld, and Kincardine. The breed is still preserved at Hamilton, Chillinghame, and were preserved till very lately at Drumlandrick.

accident. Macpherson in one of his prefaces, informs us himself, "that he has served his apprenticeship in "secret to the muses;" when encouraged by Wilkie's *Epigoniad*, he undertook to give an epic poet to Scotland. The fact is, that Macpherson was the author of three epic, or heroic poems. The first was the *High-lander*, in six Cantos, published at Edinburgh in 1758, four years before the appearance of *Fingal*. The discovery of an additional epic poem by the father of Ossian, is itself the strongest proof that the author not succeeding in poetry professedly modern, has ascribed his subsequent productions to a remote antiquity, in order to ensure a more favourable reception, and to attract the public attention to their merit. But the argument becomes invincible, if it shall appear, that the same plot and inflated phraseology, the same imagery and incidents are repeated and preserved in the poems of Ossian.

Macpherson's first epic.

2. When the *Highlander* is examined, its plot exhibits the very outlines of *Fingal*. Swein, King of Norway, invading Scotland with a large fleet and a numerous army, is opposed by Indulph, its seventy-fifth king. Alpin, a young chieftain from Lochaber, joins the Scottish army; explores the Norwegian camp by night; engages in single combat, and exchanges shields with Haco; and the battle next day is decided by his prowess and address; the Norwegian fleet is burnt, and the invading army destroyed. Haco, overpowered with his band, on retreating to a wood is generously permitted to depart by Alpin, whom Indulph discovers to be his nephew, the son of Malcolm I. preserved in his infancy from the murderers of his father; and on his marriage with Culena, the king's daughter,

The Highlander,

Duffus (or Alpin), by the accidental death of his uncle, succeeds to the throne. It is obvious that *Swein* is converted into *Swaran* in *Fingal*; with this difference only in the plot, that the scene of invasion is transferred from Scotland to Ireland, and the time from the tenth to the third century.

transcribed
in *Fingal*.

3. That the Highlander is inferior to *Fingal* affords no presumption whatsoever that the latter is authentic. The author was then only twenty-one. His native language was *Earse*; his taste was not yet formed: he had not attended Dr. Blair's lectures, nor acquired the graces of style, or a sufficient command of the English language. But the poem discovers much of the same imagery and incidents with *Fingal*; green meteors, clouds and mountains, maids in armour, storms and ghosts. The same ambitious phraseology, straining after the sublime, which is so apt to degenerate into bombast in *Ossian*, becomes quite ludicrous in the Highlander, from the untutored taste of the author. Such expressions as these, which repeatedly recur:—
 “He fixed his rainy eyes on ground.—Fierce Den-
 “mark belches numbers on our land.—The gleaming
 “journey of the sword, Talks on its way.—Steelspeaks
 “on steel.—And cuts its brasen journey through the
 “aim.—Across the silver errors of the Tay.—Groans,
 “Speak on the pinions of the southern gale. The
 “kindling virgin flames along the tale.—And send the
 “palace flaming to the skies;” how ridiculous soever, are derived from the same source with *Ossian's* style; a close imitation of *Gray's* alliteration and of *Mason's* bombast. But the following passages, in order to be recognised as *Ossian's*, require only to be translated into heroic prose.

“ Norwegian firs, oft brought them o’er the waves
 “ For Albion’s crown, but Albion gave them graves.”

“ Tell Swaran, tell that heart of pride, Cuthullin
 “ never yields. I give him the dark rolling sea. I
 “ give his people graves in Erin.” Ossian i. 250.

“ Thus on a night when rattling tempests war,
 “ Thro’ broken clouds appears a blazing star;
 “ Now veils its head, now rushes on the sight,
 “ And shoots a livid horror thro’ the night.”

“ The winds come down on the woods; the torrents
 “ rush from the rocks; rain gathers round the head
 “ of Cromla; the red stars tremble between the flying
 “ clouds.” Ossian, i. 255.

“ Athwart the gloom the streaming meteor sails—
 “ Kindles a livid circle as it flies.”

“ The clouds divided fly over the sky, and shew the
 “ burning stars. The meteor, token of death, flies
 “ sparkling through the gloom; it rests on the hill.”
 Id. 134. Edit. 1773.

“ The Scots a stream, would sweep the Danes away,
 “ The Danes a rock, repel the Scots array”—
 “ The ranks of Sweno stand in firm array,
 “ As hoary rocks repel the raging sea.”

“ As roll a thousand waves to a rock, so Swaran’s
 “ host came on. As meets a rock a thousand waves,
 “ so Erin met Swaran of spears.”—“ Frothal came
 “ forth with the stream of his people. But they met
 “ a rock. Fingal stood unmoved. Broken they rolled
 “ back from his side.” Id. 65. 235.

“ On either side they stretched the manly line,
 “ With darting gleam the steel clad ridges shine :
 “ On either side the gloomy lines incede,
 “ Foot rose with foot, and head advanced with head—
 “ Thus when *two winds* descend upon the main,
 “ To fight their battles on the watry plain ;
 “ In two black lines the equal waters crowd,
 “ On either side the white-top’d ridges nod,
 “ At length they break and raise a bubbling sound,
 “ While echo rumbles from the rocks around.”

“ Behold the battle of the chiefs ! It is the storm of
 “ ocean when *two spirits* meet far distant, and contend
 “ for the rolling of the waves. The hunter³³ hears
 “ the noise from his hill ; he sees the high billows ad-
 “ vancing to Ardven’s shore.” Ossian, i. 302. “ The
 “ kings were like *two spirits* of heaven, standing each
 “ on his gloomy cloud ; when they pour abroad the
 “ winds, and lift the roaring seas. The blue tumbling
 “ of waves is before them, marked with the paths of
 “ whales.” ii. 63. “ As meet *two troubled seas* with
 “ the rolling of all their waves, when they feel the
 “ wings of contending winds, on the rock sided frith of
 “ Lumon ; along the echoing hills is the dim course of
 “ ghosts ; from the blast fall the torn groves on the
 “ deep, amidst the foamy path of whales. So mixed
 “ the hosts.” Id. 167.

“ Prone on the strand, extended every way,
 “ Clad o’er with steel, a shining trunk he lay ;
 “ Thus on his lofty seat should winds invade,
 “ The statue keeps the memory of the dead ;
 “ It quakes at every blast, and nods around,
 “ Then falls a shapeless ruin on the ground.”

³³ From Homer’s Shepherd, to be quoted in the sequel.

“ Like a young oak falls Turlathon with all his
 “ branches round him,” ii. 63. “ Cairbar lay like a
 “ shattered rock, which Comla shakes from its shaggy
 “ sides, when the green vallied Erin shakes its moun-
 “ tains from sea to sea.” Id. 15. “ As the stone of
 “ Loda falls, shook at once from rocking Drumanard,
 “ when spirits heave the earth in their wrath, so fell
 “ blue shielded Rothmar.” Id. 104.

“ But still fierce Denmark made a broken stand ;
 “ Here stands a squadron, there a gloomy band,
 “ Rears a firm collumn on the rocky shore,
 “ Makes the last effort of a dying power ;
 “ Thus after fire thro’ lanes its way has took,
 “ A prostrate village lies o’erwhelmed in smoke,
 “ But here and there, some sable turrets stand,
 “ And look a dismal ruin o’er the land.”

“ Behold how Lochlin divides on Lena ! They stand
 “ like broken clouds on a hill, or an half consumed
 “ grove of oaks ; when we see the sky through its
 “ branches, and the meteor passing behind.” i. 294.

“ Awful the chief advanced, his armour bright
 “ Reflects the fires, and gleams along the night ;
 “ Hovering he stood, above the sleeping band,
 “ And shone an awful column o’er the strand ;
 “ Thus often to the midnight traveller
 “ The stalking figures of the dead appear ;
 “ Silent the Spectre towers before the sight,
 “ And shines in awful image through the night ;
 “ At length the giant phantom hovers o’er
 “ Some grave unhallowed, stained with human gore--
 “ Before my eyes a ghastly phantom stood,
 “ A mangled man, his bosom stained with blood ;

“ Silent and sad the phantom stood confest,
 “ And shewed the streaming flood-gates of his breast.”

These and other images, which have been transcribed and improved in Ossian, are marked with a strong poetical, but uncultivated genius, such as Macpherson always possessed; for which much imagination, an occasional sublimity, and sometimes an exquisite pathos, he never acquired a correct or refined taste. The same incidents are also repeated. The nocturnal combat, and the exchange of friendship with Haco, recur in Swaran's rencounter with Fingal in the Cathloda, and in Ossian's interview with Cathmor in Temora. A soldier returning wounded from the field, expires in the Highlander before his tale is told; and Calmar returns mortally wounded in Fingal, to warn Cuthullin of the approach of Lochlin. Alpin and Oscar solicit an enterprise, in the same terms, as unknown to fame: “ Oscar is like the mist of Cona, I appear and I vanish away.” i. 196.

“ But I gleam once, then sink and am no more.”

The flame of the oak, the bosses of the shields, the second sight, and even the pursuit of the deer on the heath, occur in the Highlander. White bosomed sails and maids, the Roman eagle, (“ spreads he the wings of his pride;” Ossian,) and the bards themselves are introduced, “ to quaff the generous spirit of the bowl,” “ the strength of the shells,” and to preserve the memory of the dead, in oral story or recorded rhyme. And the fair Aurelia, like Sulmalla and the eternal ladies in mail, attending on Haco in the disguise of a young warrior;

“ Wiolds in her snowy hand the aspin spear;

“ The silver mail hung round her snowy waist;

“ The corslet rises on her heaving breast.”

4. As the Highlander fell still born from the press, Fragments.
the author transferred his pen, from poetry professedly original, to the more profitable task of translation from the Earse. The Fragments of ancient Gaelic poetry, written at Moffat, were first circulated in manuscript, and published at Edinburgh in 1760, about two years after the Highlander *disappeared*, when the author's taste and style were considerably improved. The public were prepared for Earse poetry, by a fantastical tale of Jerom Stone's, in the Scots magazine; but the Fragments coincided happily with the sentimental vein, which Young's Night Thoughts, Gray's inimitable Elegy, Shenstone's Pastorals, and Sterne had introduced. Men of more taste than classical, or historical knowledge, believed them authentic; the novelty of measured prose pleased the public, and persuaded admirers that the *translator* had no ambition to become a poet. The Fragments contained the opening, and some episodes of Fingal, with an intimation that if suitable encouragement were given the whole might be recovered. From the prospect of obtaining a national Epopee, a considerable subscription was raised, and the author was dispatched to the highlands in quest of epic poems. His situation at that time was obscure and indigent. Originally a schoolmaster in Badenoch, afterwards a domestic tutor, he was then a student of divinity, employed by Balfour the bookseller as corrector of the press; but the subscription imposed upon him an obligation to persist in the original deceit. The similar imposture and success of Hardiknute, which had furnished the fable of his Highlander, might encourage him to proceed. But I believe that Fingal was already Fingal.

Temora.

sketched out, from the Irish ballads and traditions of his battles with Magnus and others, which promised to supply Macpherson with heroes, incidents, and a few occasional episodes. The Temora had not then occurred, as appears from a ridiculous Fragment on the death of Oscar. Two years after his expedition to the highlands, the poems of Ossian were prepared for the press. A large subscription was raised, under the patronage of Lord Bute, and the epic poem of Fingal was published at London, in 1762, with the lesser poems and with the first book of the Temora, suggested by the fabulous palace of Teamor in Keating, and by the Irish ballad containing the real history of Oscar's death. The Temora was afterwards *translated* or extended to eight books, at Lord Bute's desire, and published with additional poems, and without any second expedition to the highlands; but Moilena, in king's county, and the palace of Temora, at Tara in Meath, were transferred to Ulster, by another fatal mistake, which, like Carrick-Thura and Balclutha, destroys the authenticity of the whole poem ³⁴.

Imitations.

VI. 1. Another copious and curious source of detection is the constant imitation of the classics, scriptures, and such temporary publications as were then in vogue.

³⁴ Archdale's Monasticon Hibern. 389. O'Connor's Diss. 174. Keating, 135. 217. O'Flaherty's Ogygia, 354. Collect. Hibern. iii. 512. Dedication of Temora to Lord Bute. Macpherson mistook Temora in Leinster, for Emania, the fabulous palace of the kings of Ulster; but the ambiguous motto prefixed to the Temora, was meant to indicate, not obscurely, that the poems were his own.

"Vultus et his mecum pariter considerare regnis?
Urbem quam statuo vestra est."

ÆNEID I. 577.

Not a Tyrian but a Trojan city; not an Earse, but an English original.

To obviate the imitations of scripture, the venerable Dr. Blair would persuade the public, that oriental poetry might, with the same propriety, be termed occidental, as it is characteristical rather of an age than of a country, and in some measure belongs to all nations in a rude and early state. Perhaps it is sufficient to observe, that although the modern poets, whose inspiration is drawn from the same source, must resemble, and may appear to imitate, each other, yet that no such similarity subsists between Solomon and Theocritus, the Psalmist and Pindar, Isaiah and Homer; much less between them and the northern Scalds. Between the earlier classics and the scriptures there is no resemblance, much less an apparent imitation: but the author, desirous to appropriate Ossian to a remote antiquity, would imitate both. Instead of a few paragraphs, the subject would require a separate dissertation; but the less obvious imitations to which the reader may refer, are ostentatiously marked in the first edition as parallel passages, in which Ossian has happily equalled or excelled the originals.

2. Cathloda, the first poem in the present arrangement, was published among the last, as a studious imitation of Scandinavian manners. Of the classics. Starvo and Swaran invoke the hawks of heaven to feast on their enemies; a new image, unknown amidst Swaran's exploits in Fingal, till it was suggested by Regner Lodbrok's death-song, which Dr. Blair had quoted and imparted to the author. But it appears from the following descriptions in Fingal, in the Preface, and in the Cathloda, that Ossian was equally versed in Milton and in Tibullus, to which Grainger's recent translation had attracted the Celtic bard. "She came in all her beauty, "like the moon from the cloud of the East. Loveliness

“ was around her as light. Her steps were the music
 “ of songs,” i. 260. “ Awe moved around her stately
 “ steps; like two stars were her radiant eyes; like two
 “ stars that rise on the deep, when dark tumult embroils
 “ the night.”—“ If on the heath she moved, her breast
 “ was whiter than the down of Cana; if on the sea-beat
 “ shore, than the foam of the rolling ocean. Her eyes
 “ were two stars of light; her face was heaven’s bow
 “ in showers; her dark hair flowed round it like stream-
 “ ing clouds. Thou wert the dweller of souls, white-
 “ handed Strinadona.” i. 24.

“ Grace was in all her steps, heaven in her eye,
 “ In every gesture dignity and love.”

“ Illius ex oculis, quum vult exurere Divos,
 “ Accendit geminas lampadas acer amor.

“ Illam quidquid agit, quoquo vestigia movet,
 “ Componit furtim subsequiturque decor.

“ Seu solvit crines, fuis decet esse capillis:
 “ Seu compsit, comitis est veneranda comis.

“ Urit, seu Tyria voluit procedere palla,
 “ Urit, seu nivea candida veste venit.

“ Talis in æterno felix Vertumnus Olympo,
 “ Mille habet ornatus, mille decenter habet.”

TIB. l. 4. 2.

The four first lines of Tibullus were certainly in Milton’s contemplation at the time. But his paraphrase, “ grace was in all her steps, in every gesture dignity and love,” is more literally transcribed by Macpherson, in “ loveliness was around her as light, her steps were the music of songs.” The next passage, “ if on the heath she moved, her breast was whiter than the down of Cana; if on the sea-beat shore, than the foam of the rolling ocean,” exhibits the peculiar

construction of Tibullus. *Seu solvit crines, fuis decet esse capillis; seu compsit, comitis est veneranda comis; urit seu Tyria, urit seu nivea.* The remaining images are also preserved. "Her eyes were two stars of light —" like two stars were her radiant eyes;" *illius ex oculis quum vult exurere divos*, (heaven in her eye) *accendit geminas lampadas acer amor.* "Her dark hair flowed round it like streaming clouds;" *fuis decet esse capillis*; and the imitation is only concealed by the adulteration of Tibullus and Milton, whose verse are debased and reduced to poetic prose. "Strinadona, dweller of souls," is equally unintelligible with the following bombast in the same poem: "Whence is the stream of years; *whither do they roll; where have they hid* in mist their *many coloured sides*, i. 29. which is borrowed, however, from a sublime passage in Blair's Grave.

"Son of the morning, *whither art thou fled,*

"*Where hast thou hid thy many spangled head?*"

3. The Fragments, as they were published while the Scriptures author studied divinity, are more deeply tinged with his professional pursuits. That nothing might be lost they are awkwardly strung together in Carrick-Thura, or are inserted as episodes in the *epic pastoral Fingal*. The scripture style is preserved in Fingal, to whom the Queen of Sheba's address to Solomon is almost literally applied³⁵; but Comala, and the episodes in Carrick-Thura, are little else than an ambitious imitation of the Song of Solomon; an adaptation of its images

³⁵ Happy are thy people, O Fingal; thou art the first in their danger, the wisest in the days of their peace, &c. i. 302. Happy are thy men, and happy are these thy servants, which stand continually before thee and hear thy wisdom. 2 Chron. 9. 7.

and peculiar phraseology, to the scenery and pastoral state of the highlands. The style and images of scripture are easily discerned in the following passages. "Who fell on Carun's sounding banks? Was he *white* "as the snow of Ardven? *blooming* as the bow of the "shower? Was his hair as the mist of the hill? soft "and curling on the day of the sun? Was he like the "thunder of heaven in battle? fleet as the roe of the "desert?" i. 42. "Who is this," says Solomon, "that "cometh out of the wilderness like pillars of smoke; "leaping upon the mountains like a roe, or a young "hart; terrible as an army with banners; my beloved "is *white* and *ruddy*, the chiefest among men. Thy "hair is as a flock of goats that appear from Gilead." Canticles passim. "Look from thy rock, my love, let "me hear the voice of Comala; come to the cave of "my rest, the storm is past, the sun is on our fields; "come to the cave of my rest, huntress of echoing "Ardven."—"O my dove," says Solomon, "thou that "art in the clefts of the rock; let me see thy counte- "nance, let me hear thy voice. Lo the winter is past; "the rain is over and gone; arise, my love, my fair "one, and come away!" The last imitation is suggested, as less obvious, by the translator himself. But Comala exclaims, with Gray's bard, "confusion pursue "thee over thy plains; ruin overtake thee thou king of "the world." Id. 43.

"Ruin seize thee, ruthless king,

"Confusion on thy banners wait."

In the episode of Shilrick and Vinvela, "Dost thou "rest by the fount of the rock, or by the noise of the "mossy stream?—Didst thou but appear, O my love, "a wanderer on the heath, thy hair floating on the

“wind behind thee; thy bosom heaving on the sight;
 “thine eyes full of tears for thy friends, whom the mist
 “of the hills has concealed? Thee I would comfort,
 “my love, *and bring to thy father's house.* But is that
 “she that appears like a beam of light in the heath,
 “bright as the moon in autumn, as the sun in a sum-
 “mer storm? Comest thou, O maid! over rocks,
 “over mountains, to me?” i. 55—8. In the Canticles,
 “Tell me, O thou whom my soul loveth, where thou
 “feedest, where thou makest thy flocks to rest at noon?
 “—I would lead thee and *bring thee to thy mother's*
 “*house.*”—“Who is she that looketh forth in the morn-
 “ing, fair as the moon, clear as the sun, terrible as an
 “army with banners?”

“Over hill, over dale, over high mountains.”

Scotch Song.

In the Fragment of Duchomar and Morna, inserted in Fingal: “Comest thou like *a roe* from Malmor, like *a hart* from thy echoing hills.”—“Be thou,” in Solomon's Song, “like a *roe* or a young *hart* on the mountains of Bether.”—“Morna, *fairest of women*, thou art snow on the heath; thy hair is the mist of Cromla, when it curls on the hill; *thy breasts* are *two smooth rocks* seen from Branno of streams. Thy *arms* like *white pillars* in the halls of the great Fingal.” i. 226. 7. In the Canticles, “Whither is thy beloved gone, O thou *fairest among women?* thy *breasts* are like *two young roes* that are twins; thy neck is as a tower of ivory; thine head upon thee is as Carmel, and the hair of thy head like purple:—his *legs* are as *pillars of marble*, set in sockets of pure gold.” These imitations require no comment: the same phraseology is adopted, and the same images are appropriated, almost without alteration, to the Celtick bard.

In Carrick-
Thura
and Car-
thon.

4. Such classical beauties as might have fortuitously occurred in the course of a poem, to the genuine Ossian, would have been interwoven with the narrative from which they arose. But the abrupt exordium and disjointed narrative of Ossian, in which nothing is told in a plain and coherent manner, are evidently too artificial and modern; and unlike the regular opening and unbroken narration of other poets, in which every poetical beauty is naturally introduced as a part of the tale. In his imitation of the ancients, Macpherson had prepared such detached episodes, and splendid addresses to the sun in Carthon, to the moon in Darthula, the dream and death of Malvina, &c. as had no connexion with the poems to which they were afterwards attached. Ostentatious addresses or odes to the sun, the moon, and to the evening star, are alone a sufficient detection of modern poetry to which they are peculiar; but in these passages, the scriptural style of his early studies is uniformly preserved. The chiefs are pillars of fire or of darkness; her heart is the house of pride; from the house of glory, joy, mourning, and the house of the proud; the dark and narrow house; from the grave, the house appointed for all living; and the same idiom is employed in Fingal's encounter with the spirit of Loda, though an obvious imitation of Diomed's combats with Venus and Mars. "A blast came from the desert. On its wings was the spirit of Loda.—I look upon the nations and they vanish. My nostrils pour the blast of death; the blast is in the hollow of my hand." i. 60. "He rode upon a cherub and did fly, yea he did fly on the wings of the wind." Psalm xviii. 10. "By the blast of God they perish, by the breath of his nostrils are they consumed." Job, iv. 9. "Who hath measured the waters in the hollow of his hand?" Isaiah, lx. 12.

But in Carthon, a story taken from an Irish ballad, and from Keating's account, of Cuthullin, who kills his son Conloch in single combat³⁶, the imitations sometimes improve upon the original. The comparison of Clessammor to "*a steed in his strength, who finds his companions in the breeze, and tosses his bright mane in the wind,*" i. 79. is a literal and a wretched transcript from Pope, of the same simile in Homer and Virgil.

" His head now freed, he *tosses* to the skies,
 " His *mane dishevelled* o'er his shoulder flies,
 " He *snuffs* the *females* on the distant plain,
 " And *springs exulting* to his fields again."

" Hast thou given the *horse strength*?—He paweth
 " in the valley, and *rejoiceth in his strength*."

JOB, xxxix. 19. 21.

——"*Arrectisque fremit cervicibus alte*
 "*Luxurians, luduntque jubæ per colla per armos.*"
 VIRGIL.

But the description of Moina's ghost, which has been suggested professedly by Virgil's Dido, is unexpectedly improved.

——"*Agnovitque per umbram,*
 "*Obscuram, qualem primo qui surgere mense,*
 "*Aut videt, aut vidisse putat, per nubila lunam.*"

" She was like the new moon seen through the gathered mist, when the sky pours down its flaky snow,
 " and the world is silent and dark." Fingal's description of the fallen Balclutha is truly poetical. " I have
 " seen the walls of Balclutha, but they were desolate.

³⁶ Keating, 196. Miss Brooke's Reliques of Irish Poetry, 9.

“ The stream of Clutha was removed from its place by
 “ the fall of the walls. The thistle shook there its
 “ lonely head ; the moss whistled to the winds. The
 “ fox looked out from the windows ; the rank grass of
 “ the walls waved around its head.” i. 82. Here,
 however, we discover the imitations of scattered pas-
 sages happily improved. “ The thorn and the thistle
 “ shall come up on their altars.” Hosea, x. 18. “ Be-
 “ cause of the mountain of Zion, which is desolate ;
 “ the foxes walk on it.” Lam. v. 18. “ The cormo-
 “ rant and the bittern shall lodge in the upper lintels
 “ of it ; their voice shall sing in the *windows* :” Zeph.
 ii. 14. combined with an image from Pope :

“ The *fox* obscene to gaping tombs retires,
 “ And savage howlings fill the sacred quires.”

WINDSOR FOREST.

But when he proceeds, “ why dost thou build thy
 “ hall, son of the winged days ; thou lookest from thy
 “ towers to day, yet a few years, and the blast of the
 “ desert comes ;” the morality of the divine, afraid to
 allude directly to a future state, is imperfectly con-
 cealed ; and Fingal is recalled, from the sublime re-
 flections of Job on our present short existence, to a
 convivial sentiment of absurd bombast ; to rejoice in
 the shell, that when the blast of the desert should
 come, his fame would survive the sun. To me it ap-
 pears that here, and in the address to the sun, the au-
 thor has inserted some favourite ideas from his college
 exercises at the Divinity hall. The beginning is de-
 rived from Satan’s address to the sun in Milton. “ O
 “ *thou* that rollest above, round as the shield of my fa-
 “ thers, whence are thy beams, O sun ! thy everlasting
 “ light ? Thou comest forth in thy awful beauty ! the

“ *stars hide themselves* in the sky ; the moon, cold and
 “ *pale, sinks* in the western wave ; but thou thyself
 “ *movest alone*, who can be the companion of thy
 “ *course !*”

“ *O thou*, that with surpassing glory crowned,
 “ *Look'st* from thy *sole* dominion like the God
 “ *Of this new world* ; at whose sight all *the stars*
 “ *Hide their diminished heads* ; to thee I call,
 “ *But with no friendly voice*, and add thy name,
 “ *O sun*, to tell thee how I hate thy *beams* ;”

——“ Two broad suns, their shields
 “ *Blazed opposite.*” MILT.

“ The moon which rose last night, round as my
 “ *shield.*” DOUGLAS.

The broad sun compared inversely to a round shield ; the stars that hide themselves (their diminished heads) at his approach ; in his awful beauty moving alone, or with surpassing glory crowned, in sole dominion ; his everlasting light, like the God of this new world ; are obvious imitations, which it is impossible to mistake. “ Whence are thy beams, O sun ! thy everlasting light,” though a natural transition of the divine to its eternal source, is preposterous in Ossian, who, believing its light everlasting, could have no conception of its creation, nor a suspicion from whence it proceeded. “ The oaks of the mountains fall ; the mountains themselves decay with years,” is a philosophical or scriptural allusion, as remote from the sphere of Ossian's observation, as the earthquakes that “ shake green Erin from side to side.” — “ The ocean shrinks and grows again ; *the moon herself is lost in heaven* ; but thou art for ever the same ; *rejoicing in the strength*

“ of thy course. But to Ossian thou lookest in vain,
 “ for he beholds thy beams no more.”

“ But thou

“ Revisit'st not these eyes that roll in vain

“ To find thy piercing ray.” PAR. LOST.

“ The sun to me is dark,

“ And silent as the moon

“ When she deserts the night,

“ Hid in her vacant interlunar cave.”

SAMSON AGONISTES.

“ He rejoiceth in his strength.”

JOB.

Not satisfied with creating a third blind, epic bard, like Homer and Milton, the translator has appropriated the same passages to Ossian: he is placed, like Samson, where the sun delights to shine; and Malvina, like Milton's Urania, visits his slumber nightly with her song. In the concluding paragraph, the divine recurs. “ But thou art perhaps like me, for a season; thy years “ will have an end;” a favourite idea already repeated in the same poem; “ *When thou! sun of heaven shalt fail, if thou shalt fail thou mighty light! if thy bright-* “ *ness is for a season like Fingal, our fame shall sur-* “ *vive thy beams;*” is derived from a source that would little be suspected.

“ *When those fair suns shall set, as set they must,*

“ *And all those tresses shall be laid in dust,*

“ *This lock the muse shall consecrate to fame,*

“ *And 'midst the stars inscribe Belinda's name.*”

RAPE OF THE LOCK.

An intimation that the sun is only for a season, and may be extinguished like the life of man, must suggest the idea of its author, if not of a future state, to the most

untutored mind. But as that would encroach upon the province of the Druids, or in other words, would betray a dangerous glimpse of the divine, the sun is desired to “exult in the strength of his youth, for age
“is dark and unlovely. It is like the *glimmering light*
“of the *moon*, when it shines through *broken clouds*
“and the *mist* is on the hills; the blast of the north is
“on the plain, and the *traveller* shrinks in midst of his
“*journey* :” a professed imitation of Virgil’s,

“Quale per *incertam lunam* sub *luce maligna*
“Est *iter* in silvis; ubi cœlum condidit *umbra*
“Jupiter, et rebus nox abstulit atra *colorem*.”

and of Dryden’s translation;

“Thus wander *travellers* in woods by night,
“By the *moon’s* doubtful and *malignant light*;
“When Jove in *dusky clouds* involves the skies;
“And the faint crescent *shoots by fits* before their
eyes.”

5. Of the lesser poems, Oithona opens with the con- The lesser poems.
clusion of Hardiknute; “There is no sound in the hall,
“no *long streaming* beam of *light* comes trembling
“through the gloom.”

“There’s nae light in my ladie’s bower,
“There’s nae light in my hall, &c.”

“With thy *long levelled* rule of *streaming light* ;”

COMUS.

and contains some curious imitations, one of which the author scruples not to produce as a parallel passage.
“On the third day arose Tromathon, like a *blue shield*
“in the *midst* of the *sea*.” Phæacia’s dusky coast appeared to Ulysses, “Indistinct and vast.”

“ Like a *broad shield amid the wat’ry waste.*”

POPE’S ODYSSEY.

“ Why did I not pass away in *secret*, like the *flower*
“ of the rock that lifts its fair head *unseen*, and *strews*
“ its withered leaves on the *blast* ;” at once an imita-
tion of Catullus and Gray.

“ *Ut flos in septis, secretur nascitur hortis.*”

“ Full many a *flower* is born to blush *unseen*,

“ And *waste* its sweetness on the *desert air.*”

In the Five Bards, produced in a note, as a poem a thousand years later than Ossian, “ The wind is up;
“ the shower descends; the spirit of the mountains
“ shrieks; windows flap; the growing river roars; the
“ traveller attempts the ford: Hark that shriek! he
“ dies ;” i. 133. a part is taken from Blair’s Grave.

“ *The wind is up, hark how it howls! methinks*

“ *Till now I never heard a sound more dreary;*

“ *Doors creak and windows clap.*”

A part was omitted in the copy sent to Gray³⁷, but was afterwards inserted from the tragedy of Douglas;

“ Red came the river down, and loud and oft

“ *The angry spirit of the waters shriek’d ;*”

and the concluding incident is borrowed from Thomson. In Calthon and Colmal, “ the sun appears in
“ the west, after the steps of his brightness have passed
“ behind a storm; the green hills lift their dewy heads;
“ the blue streams rejoice in the vale. The aged hero
“ comes forth on his staff; his grey hair glitters in the

³⁷ Mason’s edit. of Gray’s Poems and Letters, iv. 61. oct.

“ beam ;” all but the last image of Young’s, profess-
edly from Milton.

“ If chance the radiant sun with farewell sweet,
“ Extend his evening beam, the fields revive,
“ The birds their notes renew, and bleating herds
“ Attest their joy, that hill and valley ring.”

PAR. LOST.

“ Here, like a shepherd gazing from his hut,
“ Touching his reed, or leaning on his staff.”

NIGHT THOUGHTS.

Oscar’s Soliloquy, when alone in Caros, on the ap-
proach of the enemy, is written in emulation of the so-
liloquy of Ulysses in the Iliad, when oppressed by
numbers : his voice, “ like the noise of a cave when
“ the sea of Togormo rolls before it,” is transcribed
from Milton ;

“ As when hollow rocks retain
“ The sound of blustering winds, which all night
“ long
“ Had raised the sea ;”

and his ghost, travelling in the light of his steel, i.
195. from Isaiah, “ travelling in the greatness of his
strength,” lxiii. 1. Our youth is compared in Inis-
thona, to the dream of the hunter ; from Job, xx. 8.
and the Psalmist, xc. 9. ; and “ ye sons of the chase
“ stand far distant, nor disturb the dreams of Ossian,”
i. 202. from the Song of Solomon, iii. 5. But in Ber-
rathon, the generations of men are at once compared,
with Horace, to waves, and with Homer, to the annual
succession of leaves. “ The chiefs of other times are
“ departed. The sons of future days shall pass away.

“ Another race shall arise. The people are like the
 “ waves of ocean; like the leaves of woody Morven,
 “ they pass away in the rustling blast, and other leaves
 “ lift their green heads.”

Οἷη περ φύλλων γενεῇ, τοιήδε καὶ ἀνδρῶν.
 Φύλλα τὰ μὲν τ' ἀνεμος χαμαδὶς χέει, ἀλλὰ δε θ' ὕλη
 Τηλεθώσῃ φυεῖ, εἶρος δ' ἐπιγιγνέται ὥρη.

Il. vi. 146.

“ Hæres

“ Hæredem alterius, velut unda supervenit undam.”

“ Ut silvæ foliis pronos mutantur in annos

“ Prima cadunt.”

HOR.

That the same ideas which Pindar, Sophocles, and Euripides were proud to adopt from Homer, and Pope was content to transcribe from Horace, should occur fortuitously, in the same words, to the Celtick bard, is a supposition too gross for the most credulous to believe.

Fingal.

6. To conclude with Fingal,---as the invocation of a muse might betray imitation, the addresses uniformly prefixed to the lesser poems are studiously omitted. Fingal opens abruptly with Cuthullin reclined under *Tura's* wall, nine centuries before *towers* or castles were erected in Ireland³⁸. In the transition to Swaran, it is impossible not to recognize Milton's Satan. “ I beheld their chief, tall as a rock of ice. His *spear* is “ a blasted *pine*. His *shield* the *rising moon*.”

“ His ponderous shield---

“ Hung on his shoulders like the *moon*, whose orb

“ Thro' optic glass the Tuscan artist views

“ At *evening*.”

³⁸ O'Connor's Dissert. 81. 174, 2d. edit.

“ His *spear*, to equal which the tallest *pine*,
 “ Hewn on Norwegian hills, &c.”

Even Calmar's hyperbolical rants, “ Rise, ye dark
 “ winds of Erin, rise! roar *whirlwinds* of Lara of
 “ hinds: amidst the *tempest* let me die, torn in a cloud
 “ by angry ghosts of men; if ever *chase* was sport to
 “ me like the battle of shields;” is derived from Mil-
 ton's imitation of Virgil:

“ While we, perhaps,
 “ Designing, or exhorting glorious war,
 “ Caught in a fiery *tempest*, shall be hurled,
 “ Each on his rock transfixed, the sport and prey
 “ Of wracking *whirlwinds*.” PAR. LOST, I.

“ Illum expirantem transfixo pectore flammæ
 “ Turbine corripuit, scopuloque infixit acuto.”

ÆN. I.

Instead of the horse litter represented by Blair as
 set with Scotch pebbles, Cuthullin's car is no obscure
 imitation of Solomon's chariot, Juno's car, and the
 chariot of the sun. “ It *bends behind* like a wave near
 “ a rock; like the golden mist of the heath. Its sides
 “ are embossed with stones, and sparkle like the sea
 “ round the boat of night. Of polished yew is its
 “ beam, and its seat of the smoothest bone; the sides
 “ are replenished with spears, and the *bottom* is the
 “ footstool of heroes.” In Solomon's bed or chariot,
 “ The *bottom* thereof is of gold, the covering thereof
 “ of purple, the midst thereof being paved with love,
 “ for the daughters of Jerusalem.” Canticles.

“ The car *behind* an arching figure bore,
 “ The *bending* concave formed an arch before;

“ *Silver the beam, th’ extended yoke was gold,
And golden reins th’ immortal coursers hold.*”

POPE’S *ILIAD* V.

“ *Aureus axis erat ; temo aureus, aurea summæ
Curvatura rotæ, radiorum argenteus ordo.
Per juga Chrysolithi, positæque ex ordine gemmæ,
Clara repercusso reddebant lumina Phœbo.*”

OVID.

Of polished yew is the beam, is “silver the beam,” and the *temo aureus* of Ovid ; its sides studded with sparkling stones, *per juga chrysolithi* ; but the bottom paved with love, is judiciously converted into the footstool of heroes ; and it *bends behind*, from “the car behind,” and, “the bending concave,” like the golden mist, an allusion which the author has since suppressed. The subsequent battle is transcribed indisputably from Pope’s Homer. “Like autumn’s dark storms, pouring from two echoing hills, towards each other approached the heroes. Like two deep streams, meeting, mixing, and roaring on the plain ; loud, rough, and dark in battle met Lochlin and Innisfail.”

“ As when the winds ascending by degrees
First move the whitening surface of the seas, &c.
As torrents roll, encreased by numerous rills,
With rage impetuous down their echoing hills,
Rush to the vales, and pour along the plain ;
Roar thro’ a thousand channels to the main ;
The distant shepherd, trembling, hears the sound,
So mix both hosts, and so their cries rebound.”

“ Cuthullin’s sword was like the beam of heaven,
when it pierces the sons of the vale ; the people are
blasted and fall, and all the hills are burning around.”

“ And yet its flame unquenched,
 “ Th’ unconquerable *lightning* struggles through—
 “ And *fires the mountains* with redoubled rage.
 “ Black from the stroke, above, the smouldering pine,
 “ Stands a sad shattered trunk, and stretched below,
 “ A lifeless group, the *blasted cattle* lie.”

THOMSON'S SUMMER.

Or, “ The *people are blasted* and *fall*, and all the *hills*
 “ *are burning around.*”

Cuthullin's encounter with Swaran, is copied from Milton's encounter of Satan and Death. “ Who are
 “ those on Lena's heath, those so gloomy and dark?
 “ who are those like *two clouds*, and their swords like
 “ *lightning* above them? The little hills are *troubled*
 “ *around*; the rocks tremble with all their moss. Who
 “ is it but ocean's son, and the carborne chief of Erin?”

“ Each at the head
 “ Levelled his deadly aim, and such a frown
 “ Each cast at th' other, as when *two black clouds*,
 “ *With heaven's artillery* fraught, come rattling on,
 “ Over the Caspian.—
 “ So frowned the mighty combatants, that hell
 “ *Grew darker* at their frown.”

The apostrophe to the maid of Inistore—“ *Weep on*
 “ *thy rock* of roaring winds, *O maid of Inistore!* bend
 “ *thy fair head* over the waves: he is fallen! thy youth
 “ is low, pale beneath the sword of Cuthullin;” is borrowed from Hardiknute:

“ On Norway's coast the widow'd dame,
 “ May wash the rocks with tears,
 “ May lang look o'er the shipless seas,
 “ Before her mate appears.

“ Cease, Emma, cease to hope in vain !

“ Thy lord lies *in the clay*³⁹,” &c.

The episode of Cairbar and Brassolis contains a singular detection. “ Here rests their dust, Cuthullin ; “ and these two lonely yews sprung from their tombs, “ and wish to meet on high.” As the conceit had been reprobated by Dr. Blair, the obsequious text of Ossian disappeared. “ The lonely yews sprung from “ their tomb, to shade them from the storm⁴⁰.” The yew was not then a funeral plant, nor appropriated to the grave till introduced into church-yards. But if the two lonely yews that sprung from their graves were suggested by Blair, the poets, “ cheerless unsocial plant,” I am afraid that the sentimental conceit was derived from Swift’s version of Baucis and Philemon metamorphosed into yews : when the parson cut Baucis down, the other tree

“ Grew scrubby, died a-top, was stunted,

“ So the next parson stubbed and burnt it.”

The next book opens with Crugal’s ghost of mist, introduced in imitation of the shade of Patroclus, ἥντε καπνός, like a thin smoke, but diversified happily by the “ stars dim-twinkling through his form.” The same image is repeated in Cuthullin ; but not satisfied with this success, the author, in order to vindicate his ancestors from idolatry, produced afterwards, in a serious history, a poem in Earse and English, representing Griannius, the genius of the sun, arrested and strug-

³⁹ Even this is borrowed from the older ballad of Sir Patrick Spence drowned at sea ; “ O lang, lang may our ladies look,” &c.

⁴⁰ Blair’s Diss. 383. Fingal, 1st. edit. 18. Ossian’s Poemt, 1773. v. j. p. 240.

gling, in the polar regions, with a sudden frost; and the Cruglians, a name derived from Crugal, shrinking into their caves at his horrible outcries⁴¹. A single image in Fingal is derived from frost. "The heroes stood on the heath, like oaks with all their branches round them, when they echo to the *stream of frost*, and their withered branches are rustling to the wind." But this, and another transplanted from the Highlander, "They stood like a half consumed grove of oaks, when we see the sky through its branches, and the meteor passing behind," are both from Milton:

" Yet faithful how they stood,
 " Their glory withered, as when heaven's fire
 " Hath scathed the forest oaks, or mountain pines;
 " With singed top their stately growth, tho' bare,
 " Stands on the blasted heath."

As,

" Satan alarmed,
 " Collecting all his might, dilated stood,
 " Like Teneriff or Atlas unremoved;
 " His stature reached the sky, and on his crest
 " Sat horror plumed;"

" Horrendumque intonat armis,
 " Quantus Athos, aut quantus Eryx, aut ipse coruscis
 " *Cum fremit ilicibus* quantus, gaudetque *nivali*
 " Vertice se attollens pater Appenninus ad Auras."

VIRGIL.

So "Cuthullin stood before him like a hill that catches the clouds of heaven: the winds contend on

⁴¹ Introduction to the Hist. of Britain, 168.

“ its *head of pines* : the hail rattles on its rocks. But
 “ firm in its strength it stands, and shades the silent
 “ vale of Cona.” In another passage, “ Fierce Cair-
 “ bar rushed along like ocean’s whale. He saw the
 “ death of his daughter. He *roared in the midst of*
 “ *thousands.*”

“ *Penthesilea furens, mediisque in millibus ardet.*”

VIRGIL.

But perhaps the most egregious imitation is that of
 Milton’s sun in eclipse. “ Connal mounts the car of
 “ gems. They stretch their shields like the darkened
 “ moon, the daughter of the starry skies, when she
 “ moves a dun circle through heaven, and dreadful
 “ *change is expected by men.*”

“ Or from behind the moon

“ In dim eclipse, disasterous twilight sheds

“ On half the nations, and with fear of change

“ Perplexes monarchs.”

As if the moon, moving a dun circle through heaven,
 were insufficient to indicate the dim eclipse, the dread-
 ful change expected by men, which was suppressed in
 the first editions, was restored in the last, that no doubt
 of the imitation might remain. The episode of Comal
 and Galvina, who tries her lover in the arms of a man,
 is a gross imitation of the fable of Procris; and Hardi-
 knute is almost literally repeated by Fingal. “ Gaul,
 “ take thy terrible sword. Fergus, *bend thy crooked*
 “ *yew.* Throw, Fillin, thy *lance* through heaven.”

“ Robin of Rothsay, *bend thy bow,*

“ Thy arrows shoot sae liel :—

“ Braed Thomas take ye but your *lance,*

“ Ye need not weapons mair.”

And,

Cuthullin “ stands alone like a rock in a sandy vale.
 “ The sea comes with its waves, and roars against its
 “ hardened sides ; its head is covered with foam ; the
 “ hills are echoing around,” from a noted simile in
 Homer and Virgil.

“ Ille, velut pelagi rupes immota, resistit ;
 “ Ut pelagi rupes, magno veniente fragore,
 “ Quæ sese, multis circum latrantibus undis,
 “ Mole tenet ; scopuli nequicquam et spumea circum
 “ Saxa fremunt, laterique illisa refunditur alga.”

ÆNEID.

7. Instead of tracing perpetual imitations, let us Original
ballads.
 proceed to the originals. Ossian's courtship of Evirallin
 is an episode for which there is some foundation. The
 original is a ballad of twenty-two stanzas, addressed
 to a woman with whose proposals the frigid old bard,
 to use his translator's expression ⁴². It begins thus :
 “ He is a dog who is not compliant ;” and, instead of
 the sentimental affectation of Ossian, discovers little
 else than the blunt and barbarous manners of the age.
 “ But I tell you, wanton girl ! I once was valiant in
 “ battle, though now I am worn out with age.
 “ When we went to lovely Evir of the shining hair,
 “ the maid of the white hand, the disdainful favourite
 “ of Cormac, we went to Loch Lego, twelve men the
 “ most valiant beneath the sun. Would you know
 “ our determined resolution ? it was to make cowards
 “ fly before us. Then Bran said, and he did not speak
 “ a falsehood, if I had twelve daughters, such is his
 “ fame among the Fions, Ossian should have the

⁴² Ossian, ii. 142,

“ first ⁴³.” Such are the originals, and should they, in some passages, exceed expectation, let it be remembered that the Irish, to which they belong, was a written language, cultivated since the introduction of letters by St. Patrick. But let us hear the translator. “ Daughter of the hand of snow, I was not so mourn-
 “ ful and blind, I was not so dark and forlorn, when
 “ Evirallin loved me. Evirallin with the dark brown
 “ hair, the white bosomed love of Cormac. I went in
 “ suit of the maid to Lego’s sable surge—to Branno of
 “ the sounding mail;—though twelve daughters of
 “ beauty were mine, thine were the choice, thou son of
 “ fame.” i. 284. Thus he proceeds to enumerate Ossian’s champions, and their combat with Cormac in prose sublime; but he retains inadvertently, the barbarous conclusion of the original, that the humane Ossian, whose generosity is so superior to that of Homer, cuts off his rival’s head, which he carries to Fingal. The original of Fingal itself is not more extensive. Ossian and St. Patrick the clerk, or the combat of Fingal and Magnus, is a ballad of forty-seven quatrains of short lines, (the second and fourth rhyming together) a few passages of which are transcribed in Fingal. “ The seven brave sons of the little lake of
 “ Lano, says Gaul without guile, you think them a
 “ great multitude, but I will conquer them. Then
 “ said Oscar of mighty strength, give to me the king of
 “ Inistore, (isle of wild boars) his twelve nobles have a
 “ sweet voice, I will quell them. Earl (Jarla) Mu-
 “ dan’s glory is great, says brown Dermid, without
 “ malice; I will quell him for thy heroes, or fall in the
 “ attempt. I myself took in hand, though I am this

⁴³ Transact. of the Royal Irish Academy, i. 52. Collect. of Gaelic Poems by Gillies at Perth, 1786, p. 11.

" night without vigour, king Terman of the close bat-
 " tles, that I should sever his head from his body.
 " Deserve blessings and gain the victory, said Com-
 " hall's son of the red cheeks; Magnus Macgharra of
 " multitudes, I will conquer, though great is his fury
 " in battle⁴⁴." " Mine," says Macpherson, " be the
 " seven chiefs that come from Lano's lake. Let
 " Inistore's dark king, said Oscar, come to the sword
 " of Ossian's son, &c. Blest and victorious be my
 " chiefs, said Fingal of the mildest look; Swaran, king
 " of roaring waves, thou art the choice of Fingal." i.
 294. The sunbeam or standard set with golden stones,
 and the combat of the two kings, the son of Comhall of
 the drinking horns, and Magnus the unfortunate, are
 described in the original. " Clerk, was not that a
 " dreadful case! like the strokes of two hammers, the
 " bloody battle of the two kings, whose countenance
 " was very furious. After their red shields were
 " broken, their countenance being very fierce, they
 " threw their weapons down, and struggled for vic-
 " tory. There were stones and heavy earth open-
 " ing between their feet." Like the original bal-
 lad, Fingal ends in a wrestling match. " Behold
 " the battle of the chiefs! There was the clang of
 " arms, there every stroke like the hundred hammers
 " of the furnace.—Their dark brown shields are cleft
 " in twain. Their steel flies, broken from their hands.
 " They fling their weapons down. Each rushes to
 " his hero's grasp. But when the pride of their
 " strength arose, they shook the hill with their heels.
 " Rocks tumble from their places on high; the green

⁴⁴ Hill's Collect. in the Gentleman's Magazine, 1783. Perth Collect.
 p. 18. In these Poems, Fingal's house at Almbuin or Allen, in Ireland,
 is converted by Macpherson into Selma and Albion, and St. Patrick, who
 is termed Macalpin the clerk, into the son of Alpin.

“headed bushes are overturned. At length the
 “strength of Swaran fell. The king of the groves is
 “bound.” i. 302. This egregious bombast is con-
 cluded with a classical imitation; more extravagant
 still when applied to the combatants. “Thus have I
 “seen in Cona, but Cona I behold no more,” (the bal-
 lads contain no intimation that Ossian was blind)
 “thus have I seen two dark hills removed from their
 “place by the strength of the mountain stream. They
 “turn from side to side, and their tall oaks meet one
 “another on high. Then they fall together with all
 “their rocks and trees.”

“As if on earth,
 “Winds under ground, or waters forcing way,
 “Sidelong had pushed a mountain from his seat,
 “Half sunk with all his pines.” MILTON.

The battle of Lora is derived from the tale of Erra-
 gon, a fictitious king of Lochlin; Larthmon from La-
 monmor; Darthula from an absurd fable of the three
 sons of Uisleachan, slain by O’Conachar their mater-
 nal uncle, and of Deirda, who stabbed herself on their
 bodies with a carpenter’s knife; but the names and out-
 lines of the story excepted, not a single sentiment,
 image, or idea of Macpherson’s Ossian is to be found
 in these ballads⁴⁵. The sole foundation of the Temora
 is the death of Oscar, a ballad of sixty stanzas, from
 which that incident, and a few pathetic passages, are
 inserted in Ossian; “the howling of the dogs; the
 “groans of the aged chiefs; but never more shall Os-
 “car rise; no mother lamented her son, nor one bro-

⁴⁵ These and the two epics are almost the only poems of which Dr. Blair received attestations. But the last was so strongly attested as rehearsed by Macvuirick and others, “with very little difference from the printed translation,” that he pronounced from its poetical and sentimental

“ther for another, but each of us that were present
“wept for Oscar⁴⁶.” Such are the originals, of which the names, and traditionary fables, and a few passages adopted by Macpherson, have persuaded his credulous countrymen that they had heard, and known the poems in their early youth. It is also observable, that such are almost the only passages produced by those who have chosen gratuitously to attest that the translation was authentic; and if, instead of an epic poem, Macpherson had proclaimed the discovery of an Earse gospel, I verily believe that he would have obtained the same attestations⁴⁷. But the man who believes

beauties, that “whatever genius could have produced Darthula, must be judged fully equal to any performance contained in Macpherson’s publication.” Diss. Append. Literal translations of the ballads which I have quoted, are now in my possession. Among these are two versions of Deirdar, and a third of Uisleachan’s or Usno’s children; but I again repeat, that not a single sentiment or line of Darthula is to be found in either. Cuthullin’s chariot, the only other poem attested to Dr. Blair is in the same predicament; a ballad containing the names of the horses alone. Such ballads are the only poetical treasures which the antiquary and Gaelic Societies of Scotland have discovered in the highlands; but, unless when manufactured anew in the translation, in point of poetical merit they are utterly contemptible.

⁴⁶ Transactions of the Royal Irish Academy, i. 82. 106. Perth Collect. 305—18. Hill’s Collect. Another pathetic passage is Fingal’s lamentation; “Oscar, my beloved! son of my son! beloved of my beloved! my heart pants over thee like a blackbird; never more shall Oscar rise,” transcribed by Macpherson: “The heart of the aged beats over thee. Weep ye heroes of Morven; never more shall Oscar rise.” But when he proceeds to Ossian’s lamentation, where the ballad fails him, the father is forgotten in the declamatory style of a modern poet, not expressive but descriptive of grief. ii. 17, 18.

⁴⁷ Whoever peruses a Treatise on the Second Sight, published in 1763, within a year after the appearance of Fingal, by Macleod of Hammer, will not be surprised at any testimonies which Blair procured from the Highlands for the authenticity of Ossian. Above an hundred instances of Second Sight in the highlands of Scotland, are attested by living witnesses, and all of them as well authenticated as the poems of Ossian.

that the same images employed in scripture, and the same classical beauties selected, with such curious felicity, by Homer, Catullus, Virgil, Horace, Tibullus, and Milton, not to mention contemporary poets, occurred fortuitously to Ossian, almost in the same words, but without imitation, is beyond the reach of argument, and must be abandoned to his faith.

Specimens
of the Earse
original.

VII. 1. The specimens of the original produced by Macpherson were translated into Earse, from the English original, by the translator himself. On this subject it is necessary to premise, that the authenticity of Ossian depends upon an historical theory, of which the poems are inversely the sole proof. The ancient Caledonians, whether Scots or Picts, were aboriginal Gaels, who, retiring northward from the Cimbric Celts and the Belgæ, peopled Scotland and Ireland successively; and whose legitimate descendants, the present highlanders, secured by their mountains from an intercourse either with the Saxons or Danes, instead of being a recent Irish colony, have preserved their primitive language and poetry, upwards of fifteen centuries, pure and unmixed. It appears, however, from inspecting their vocabulary, that the Earse or Irish is a mixed language⁴⁸, of which a large part is derived from the Saxon or Latin, through the medium of the priests. The Teutonic, perhaps, was partly introduced by the Belgæ, who, pursuing into Ireland the Gaelic Celts, whom they had expelled from England, incorporated at length with the people whom they had subdued. An admission so repugnant to the authenticity of Ossian, which disclaims the migration or the origin of the

⁴⁸ Macfarlan's Vocabulary; and O'Brien's and Shaw's Dictionaries of the Irish and Earse; which I have chiefly consulted.

highlanders from Ireland, can avail the translator nothing; but the Irish, it is said, is the primitive, and was once the universal language of the whole earth. Each word in the poems, of an obvious and late derivation from the Saxon, Greek, or Latin, will be vindicated as derived by these languages from the Celtick tongue. To contend with Celtick etymologists were an abuse of argument, and a waste of words⁴⁹. They who maintain that the Greek *Tyrannus*, and the Latin *Rex*, were adopted from *Tiarna*, and *Righ* a king, may believe that *Dux* and *Comes* are derived from Duke and Count. In addition, however, to the general rule, that a term common to different languages, must be derived from the one to which its radical belongs, I shall offer two observations which can admit of no dispute. The first is this, that as the Celtick has peculiar names for the objects of nature, while the terms of art, or of abstract ideas are the same with those in the Latin, we must conclude that the latter, instead of being derived by the Romans from a barbarous people, were adopted by the Welsh and Irish from the refined language of a civilized nation. The second observation is, that terms common to the Celtick and Saxon, must be derived from the Teutonic, if discovered among those northern nations, who had no intercourse with the Gaels, whom they expelled

⁴⁹ See, for instance, Valency's egregious attempt, by the abridgment, transposition, and alteration of syllables, to convert the Punic scene of Plautus into modern Irish; in which we discover that such words as *O all*, *O allmighty*, *nimb*, *numen*, *beannaithe*, *benedictus*, *umhal*, *humble*, *frotha*, *streams*, *ulla teamplú*, *holy temples*, *caisi*, *cause*, *pian*, *pain*, were genuine Punic words, the language of Ireland, long before it was known to the Romans. Misc. Hibern. ii. 310. Such is also the absurd etymology of Beltain, (*Bael*. Sax. *Beol*, Swed. *Beil*, Scot. *rogus*, *Tende*, *incendere*,) from *Bel*, an Assyrian deity once worshipped in the highlands of Scotland.

or confined to the west of Europe. To illustrate the first observation, *Pen* or *Cean*, *Lamh*, *Cran*, *Grian*, *Gealach*, *Carraig*, the head, the hand, a tree, the sun, the moon, a rock, are terms indisputably Celtick, which have no affinity to other languages; but *leabhar* a book, *liter* a letter, *leagham* to read, *sgriobam* to write, (from *liber*, *litera*, *lego*, *scribo*,) disprove the early pretensions of the Irish to letters⁵⁰: *aradh* a plough, *araim* to till, *aran* bread, (from *aratrum*, *aro*, *arva*,) demonstrate that the British and Irish Celts, a hunting or pastoral people, derive the names and instruments of husbandry, from the Romans; *or* gold, *airgeod* silver, (from *aurum*, *argentum*,) that they were indebted to the same nation for the precious metals. As an example of the second observation, *Iarain*, *Pras*, *Copar*, *Luaidh*, iron, brass, copper, lead, were derived either from the Saxons, or from the Belgæ, who were eminently skilled, as appears from Strabo, in the metallic arts, and were certainly superior in arms to an enemy whose spears and arrows were pointed with flints, and whose stone hatchets are still denominated Celts. *Bial* and *Tuadh*, the battle-axe or hatchet, are adopted from the Swedish *Beyel*, the Belgick and Saxon *Tuych*, and *bill*; *Claidheam* a sword, like the French and English *glaive*, from the Latin *gladius*, *Saighead* from *sagitta*⁵¹; and to illustrate both observations, *Cransaor* a carpenter, is compounded of the Celtick *crann* a tree, and the Teutonick *saw*, the implement of his trade. Keeping these observations in view, we shall proceed to the supposed specimens of the original, which, without any previous

⁵⁰ Innes's Critical Essay, 444.

⁵¹ Ledwich's Antiquities of Ireland, 115. 451. O'Brian's Dict. Ihre's Gloss. Sueo. Goth. Shilter's Thesaurus Antiq. Teut. Ly's Saxo Goth. Dict.

acquaintance with the language, I have examined with more attention, perhaps, than the subject deserves.

2. The *original* Earse of Malvina's Dream, was produced by the translator, at Lord Kaime's request⁵². Malvina's dream.
The greatest difficulty was to produce the English original; for a ballad in blank verse of eight syllables, with a few occasional rhymes⁵³, may enable us to conceive the extreme facility of composition in his vernacular tongue. In the following verses there are neither the numbers of ancient, nor the rhymes of modern poetry, nor the artful alliteration of the Scalds, and of the Irish bards, but the same rude rhythm or cadence with his measured prose.

“ 'Se guth anaim mo riun at ann !

“ It was the voice of my love ;

“ O' s'ainmic gu aisling Mhalmhin, thu

⁵² Inserted in Shaw's Analysis, and in Smith's Seandana ; a translation of his own poems into Earse, p. 23. Perth Collection, 29.

⁵³ Macpherson would have done better to have avoided rhyme altogether—a corruption of Greek and Latin poetry, first introduced on account of its extreme facility, into Monkish verses, see vol. iii. note xxi. and adopted in Italian poetry in the middle of the ninth, into Saxon in the eleventh, and into Scandinavian poetry in the beginning of the thirteenth century. Tyrwhit's Chaucer, iv. 49. Pinkerton's Pref. to Barbour, 12. In Welsh poetry it was unknown to Giraldus Cambrensis in the twelfth century ; a sufficient proof that the rhymes of Taliesan and the Welsh bards are a more recent forgery. The introduction of occasional rhymes in Ossian, five hundred years before they were known in Europe, and a thousand before they were used in Wales, is alone a detection. But the rhythm of Macpherson's Earse Ossian, to which there is no species of versification similar in the Welsh or Irish dialects of Celtick, seems to me to be constructed, with less licentiousness indeed, upon the same principle of recitative or cadence, with his measured prose, in which each clause, *numeris lege solutis*, when the sentence is printed as in these specimens, is framed to represent, to the eye as well as to the ear, an irregular verse. See his pref. to Homer, p. 18. and Mason's edit. of Gray's Poems and Letters, iv. 61.

- “ Seldom art thou in the dreams of Malvina,
 “ Fosglaibhse *talla* nan *speur*,
 “ Open your airy halls (halls of the sky).
 “ Aithriche Thoscair nan cruai bheum,
 “ O fathers of Toscar of shields (hard blows).
 “ Fosglaibhse *dorsa* nan *nial*.
 “ Open the gates (doors) of your clouds ;
 “ Tha ceuma Mhalmhine gu dian,
 “ The steps of Malvina (Malvina’s departure) are near.”

If the mossy halls of Selma, its towers and its shaded walls, are inconsistent with the wattled huts of the third century, we discover here the Gothic hall and its doors by name. *Talla*, a corruption of hall, occurs neither in O’Brian, nor in the old description of Tigh Teamhra⁵⁴ the hall or house of Temora ; and *dorus* a door, is a word equally universal among the Northern nations, and inconsistent with Ossian. *Speur*, *speir* the sky, is confessedly the Latin *sphæra*⁵⁵, transferred by the ignorance of the priests, from the starry spheres to the firmament itself. I shall be told indeed that the Greek *σφαῖρα* is derived from the Irish *speur* ; but those egregious etymologists forget, that the sphere signified nothing more than a ball or globe, even when transferred to the firmament which it was employed to represent. The last line, the steps of Malvina, in the first edition, of Malvina’s *departure*, are near, is transcribed from scripture : “ the time of my departure is at hand.” 2 Tim. iv. 1. But the translator discovered that the Earse had no word equivalent to departure, as expressive of death, which was therefore omitted, and, from the poverty of the language, the voice of departed bards was translated *guth nam bard nach beo* ; not *being*, not alive.

⁵⁴ Collectanea Hibern. iii. 513.

⁵⁵ O’Brian’s Pref.

- “ Chualam guth am aisling fein,
 “ I have heard a voice in my dream ;
 “ Tha farum mo *chleibh gu hard*,
 “ I feel the fluttering of my soul, (*the force of my chest beats high*).
 “ Cuim thainig an osag am dheigh,
 “ Why didst thou come, O blast,
 “ O dhubh-shuibhal na linn ud thall ?
 “ From the dark rolling face of the lake,
 “ Bha do sciath fhuaimneach an gallan an aonaich,
 “ Thy rustling wing was in the tree.
 “ Shuibhail aisling Mal-mhine gu dian :
 “ The dream of Malvina fled ;
 “ Ach chunnaic is a run ag aomadh,
 “ But she beheld her love,
 “ Sa cheo-*earradh* ag taomadh m’a *chliabh* ;
 “ When his robe of mist flew on the wind, (his misty array poured from his breast)
 “ Bha dearsa na grien air thaobh ris,
 “ A sun-beam was on his skirt ;
 “ Co boisgeal ri or nan daimh,
 “ They glittered like the gold of the stranger.”

As each language has certain metaphorical idioms, easily distinguished when transferred to another, a chest, applied to the human trunk or chest, or a trunk inversely to a chest, is peculiar to the English ; the wing of an house or of an army, is adopted from the Latin ; and the wings of the morning and of the winds from scripture. The first has been translated into Irish ; like *cran criath*, the trembling poplar. But that Ossian, anticipating the English idiom, should employ *Cliadh* a basket, literally the same with *Cista*, for the human chest, will be believed only by those who are already persuaded that

the rustling wing of the blast preceded the translation of the Psalms into Earse. The robe of mist that flew on the winds, contains a double detection. *Earradh* is literally the English *array*, from the Teutonick *raia*, *rada*, *ordo* ; hence raiment, array : *taomadh*, to pour out, to empty, is the Icelandick *tomar* ; the Danish *tom*, and the Scottish *tume*⁵⁶. Instead, however, of “ it flew on “ the wind,” the author adopted *Taomadh*, it poured his breast ; a word repeatedly employed in Temora, from the next specimen, for pouring mist on the warrior’s grave. “ A sun-beam was on his *skirts* ; they glittered like the *gold* of the stranger ;” an imitation of Milton’s angel-wings ;

“ *Skirted* his loins and thighs with downy *gold* ;” may contain the French *or*, from the Latin *aurum*, with less impropriety : but in a subsequent passage, “ the “ day of the sun,” (as *diasul*, or *greine*, would signify Sunday,) is translated ‘S’grian *orradh* na beinn, the sun, according to the English idiom, gilding the hills.

“ Is connuidh dhuit *anam* Malmhine,
 “ But thou dwellest in the soul of Malvina :
 “ Mhic Oisian is treine lamh,
 “ Son of mighty Ossian (of the mighty hand).
 “ Eirig m’ osna mar re deursa on ear ;
 “ My sighs arise with the beams of the east ;
 “ Thaomma *dheoir ammeasg* sil eadh nah’oiche,
 “ My tears descend with (*amidst*) the drops of
 night.”

Anam from *anima*, *deur* a tear, derived by Lloyd

⁵⁶ Ruddiman’s Glossary to Gawin Douglas’s translation of Virgil. Instead of *Taomadh*, Smith substitutes *Taosga*, pumped out of his breast ; and instead of *Orradh*, the Perth editors have *Scartha*, the sun separated on the hill ; both nonsense.

himself from the Teutonick, *ammeasg* amidst, expressions which no credulity, however weak, can impute to Ossian, instead of the second century, demonstrate a recent translation, into a mixed language of the eighteenth. The scriptural style of the Song of Solomon is preserved in Earse, "My sighs arise with the morning, "my tears descend with the drops of night;" and *dearsa on Ear* is a literal translation of our poetical idiom, the beams of the east. Without pursuing the examination farther, I shall bring the translation to an immediate test. The joy of grief is an abstract, and refined expression of the pleasure with which we dwell on fictitious distress; an idea infinitely too complex for a barbarian, but a subject much canvassed at the time both by Burke and Smith. The expression perhaps is more poetical than just: the satisfaction arising from fictitious woe may amount to pleasure, but can never constitute positive joy. But the "joy of grief," is an expression of curious felicity, which it is impossible to translate with the same energy into another language.

"Is caoin faiteal nam fonn Mhalmhine,
 "The music of songs, is lovely Malvina;
 "Ach clionaidh iad *anam* go deoir;
 "But it melts the soul (with tears).
 "Tha *solas* ann *tuireadh*, le sith;
 "There is a joy in grief,
 "Nàir dhaomas cliabh *tuirse* gu bron,
 "When peace dwells in the breast of the sad."

Solas is literally *solatiùm*, solace; *tuireadh*, a request, a dirge, sorrow, is derived from *tuirse*, tired⁵⁷, but the question would appear an insult to the most credulous understanding, whether *Tha solas an tuireadh*, was an

⁵⁷ Lloyd's pref. translated in Nicolson's Irish Hist. lib. 17. p. 109.

expression used by Ossian in the third century, or by Macpherson, unable to give an adequate translation of the joy of grief.

Temora, L.
vii.

3. The seventh book of the Temora, annexed in Earse to the first editions as a specimen of the original, is translated from the English; and exhibits the whole of the author's mythology of mist.

“ O Linna doir choille na Lego,
 “ From the wood skirted waters of Lego;
 “ *Air uair*, eri ceo taobh-ghorm nan ton,
 “ Ascend at times grey-bosomed mists;
 “ *Nuair dhunas dorsa* na h'oiche,
 “ When the gates of the west (night) are shut
 “ *Air iùlluir-shuil greina* nan *speur*
 “ On the sun's eagle eye:” (eagle eyed sun of the sky.)

The moon is again compared from Milton, “ to a dun shield swimming through the folds of mist, with which the spirits of old clothe their sudden gestures on the wind, when they stride from blast to blast along the dusky night.”

“ An taobh oitaig, gu *palin* nan seoid,
 “ Often blended with the gale, to some warrior's grave,
 “ *Taomas* iad ceach nan *speur*,
 “ They roll the mist (of the sky;)
 “ *Gorm-thalla* do thannais nach beo,
 “ A grey-dwelling (hall) to his ghost (to the ghosts of the not being)
 “ Gu am eri fon marbhran nan teud.
 “ Until the (death) songs arise (on the string.)”

Homer's heroes could not descend to the shades till

their obsequies were performed. Neither can Ossian's ghosts ascend the clouds without their dirge; but the imitation is dearly purchased by the modern words to which the author was reduced. Not to mention *dorsa*, *speur*, *taomas*, *thalla*, already examined; *air uair*, at times, is literally *hourly*; and as a mark of derivation, *uair* an hour, whether from the Latin *hora*, or the English hour, is never applied to time in general, except in conjunction with another word. The warrior's grave is translated *palin*, a shroud, from the Latin *pallium*, and the English *pall*; and Fillan's ghost addresses Fingal,

“ An codal so, don *fhear-phosda* aig Clatho,
 “ Sleeps the husband of Clatho?”

Fhear, *vir*, the Gothic *ver* and the Saxon *wer* (*wer-guild*), may be classed perhaps among those original words, for the coincidence of which etymologists must ascend to the circles of Gomar; but *phosda* spouse, *posadh* espousals, are evidently derived from the Latin *sponsalia*, corrupted, like *baisteach* baptism, when introduced as a sacrament by the Irish priests⁵⁸. When Fingal strikes his shield, the screaming fowls are heard in the desert; and *faisich*, a desert, repeatedly occurs. The sons of Selma are the sons of the desert; Fingal's poetical designation in the Fragments was “ the desert of the hills;” but the name alone is a sufficient detection. The desert is a correlative term, suggested by its contrast with peopled or cultivated fields; but as all

⁵⁸ *Eon Baiste*, John the Baptist. O'Brian, in the true spirit of etymology, converts *Posadh* into *Bosadh* to derive it, by a double operation, from *Bo*, a Cow, as the dowry among the Germans was paid in cattle.— But Fingal had neither cattle nor herds, from which the *fhear-phosda* of Clatho could obtain that name.

places were equally desert, to a tribe of hunters who subsisted in the desert, there was no correlative to suggest either the idea or the name. The same observation is applicable to autumn's dark storms. Among hunters who have neither harvest nor fruits, "Autumni
 "perinde nomen et bona ignorantur." Whitaker, who read Ossian only in English, pronounces steel to have been an early British manufacture, as it was distinguished (before iron!) by an original name in the Irish language, "the fairest mirror of the British original." *Cruadh*, hard, is equally applied to *cruadh*, a stone, and to *cruaidh*, steel; but in those specimens of Ossian, *steel*, the German *stahel*, the Saxon and Scandinavian *stall*, is repeated by name.

"Gnìomh bu *chruai*

"Mighty deeds.

"Leth dhoiller an deallin na *stallin*

"Half hid in the bright gleams (coals) of steel.

"Chuinic is é na *stalin chruai*

"She saw him in his hard steel."

The ancients were indebted to the Chalybeans for the manufacture and the name of steel, but it is observable that *Chalybs* is very seldom employed, like *Ferrum*, metaphorically for a sword; never for armour, which was generally of brass. But the English name and idiom, of steel for armour, are assigned by Macpherson, from his own Highlander, "steel speaks on steel," to the third century, when steel was seldom or never used in armour by the Romans themselves. After this passage, the application of *barbarous* to the soul of Cathmor, may excite the less surprise.

"Ni mosguil cunart *anam borb*,

"Can danger shake (awake) his daring (*barbarous*) soul;

“ Ach ni'n *solas* do m' *anam* tla,
“ But it gives no solace to my soft soul.”

In the description of Cathmor's shield, an obvious imitation of the shield of Achilles, I was curious to know what term would be employed for the sounding boss. *Crun* a crown, *cnap* a knob, were inadequate to the effect, and boss itself was too gross to be transcribed.

“ Seached *coppain* a b'h' air an sciath
“ Seven bosses rose on the shield,
“ Seached *focuil* an *righ* do shluagh,
“ Seven voices to the kings of the army;
“ A thaomagh air osna nan speur,
“ When poured on the blast of the sky,
“ Air finacha mor nam Bolg
“ On the great nation of the Belgæ,
“ Air gach *copan* ta reul do noiche,
“ On each boss was a star of night,
“ Cean mathon,” &c.

The same terms are repeatedly employed. “ Bhuail
“ en sciath as fuaimnach *cop*,” struck the shield of the
sounding boss; “ Chualas le sciath nan *cop*,” she heard
the shield of the boss.

“ Ach ta m *fhocul* le cunairt nan Erin;
“ But my voice is (I warn you of) the danger of Erin.
“ An cualas duit *coppa* na fuaim
“ Heard you the sound of the boss.”

The reader may be surprised to learn that *focal* is literally *vocalis* a vowel, (*foclair* a vocabulary,) and that *coppa* is the Saxon and German *cup*. If a circumstance can render the detection more complete, the hundred cups of the Irish ballad of Erragon, are converted, in the battle of Lora, into ten shells (*sliogh*)

studded with gems, that gladdened once the kings of the world. But in Cathmor's marvellous shield, *copan* a cup, so fastidiously rejected as unknown to Ossian in its proper signification⁵⁹, is applied metaphorically to the seven bosses tipt with seven stars of night, that spoke like a peal of bells, each in a separate voice or vowel, to seven kings. After such gross detection, it is unnecessary to examine more than Larthon's dream, and the description of his ship.

“Thanic aslin gu Learthon nan *long*,

“Dreams descended on Larthon (of ships;)

“Seached *samla* do'n *lina* nach beo,

“Seven spirits of his fathers, (of the generations that are past.)

“Chualas an guth *brista*, trom,

“Ye heard their half formed (broken) words (asleep),

“Thaom iad am *feachda* fein,

“They led (poured) their hosts (fights)

“Mar cheadh a terna on bhein

“Along the field, like ridges of mist.”

Samlis, semblance, a word I believe of the author's coinage, from *samhuil*, similis; *lina*, literally a line or lineage, (*linns-gearadh*, a genealogy,) are both from the Latin; *brista*, a Teutonick word, is the German *bresten*, the French *briser*, the Saxon *bursten*, the Scottish *brist*. to break or burst; but *feachda*, battles, forces, *fights*,

⁵⁹ “It is worthy of being remarked,” says Macpherson on the English word *case*, (supra 466) in the Irish ballad of Fingal and Magnus, “that Ossian, who lived in St. Patrick's day, seems to have understood something of English, a language not then subsisting. Ossian, ii. 276. *Barcas* a bark, *stoirm* a storm, *Carbad* carborne, *baiste* a beast, occur in Smith, the difference between whom and Macpherson is, that the latter imitated the classics, while Smith and Clark imitate Macpherson.

from *feachtha*⁶⁰, was fought, is a word that indicates equal confidence in deceit, and contempt for the credulous simplicity of mankind.

“ Leathain scaoile *seoil* bhan an *righ*,
 “ Wide spreads the sails of the king.
 “ Leum *loingheas* o’thon, gu thon,
 “ The ship leapt from wave to wave.
 “ Ni m facas leo riamh an *long*,
 “ Never had they seen a ship,
 “ Cear *Marchadh* a chuain mhoir,
 “ Dark rider (horseman) of the wave.”

Loingheas and *long* are indisputably derived from the *naves longæ* of the Romans, and of the middle ages; *seoil* are the English sails, from the Saxon *segel*, *seyl*, an universal word among the northern nations; and *marcadh*, from the Teutonick *mark*, a horse, is still retained in *marishal* and *mare*⁶¹. Riding, applied in English to ships, is a familiar idiom; and the dark riders of Ocean is an easy metaphor, not to be translated with impunity into a different language. The steeds and coursers of Ocean, are metaphors frequently used by the *Scalds*; *Eurus per Siculas equitavit undas*, occurs in Horace, and the horses of Ocean in Homer; but a name for the rider, from *rede* a chariot, distinct from that of the horse,

⁶⁰ Ihre, Junius. Lye. O’Brian.

⁶¹ *Seol* a sail in Earse and Irish, not in the Welsh. Bullet and O’Brian have assigned *Marc* to the Celtick, as it occurs in Pausanias’ Account of the Irruption of the Gauls into Greece. Paus. Phoc. But the *Marcomanni* were a German tribe, and *Merula* (Cosmogr. 421.) and Pinkerton have proved indisputably from St. Jerome, that the *Galatæ* of Asia minor, were German Gauls, who spoke the same language with the *Treviri*, or inhabitants of Triers, a tribe originally German. Tacitus Germ. c. 28. Dissertation on the Scythians and Goths, 148. See Meric Casaub. de quatuor Linguis Comment. 139.

is peculiar to the English and other Gothic languages; and *Marchadh a chuain mhoir*, the horseman of the great sea, is a harsh, and obvious translation of the rider of Ocean, equally ridiculous with *eques maris*, in Latin, or *Cavalier de la mer*, were it translated into French. From the specimens already published, the language is indisputably of a recent growth; and from the preceding detections, it is not difficult to predict, that the publication of an Earse Ossian will counteract the design, and reflect utter discredit on the whole of the poems⁶².

⁶² The Earse version has since been published, and is evidently a literal translation, line for line, and almost word for word, from the English original; with Scotch or English words interspersed throughout. For instance, "Roll streamy Carün, roll in joy," is rendered "Taorn, a Charuim, *taom* do shruth," &c. (Poems of Ossian in Gaelic, i. 86.) the Scotch word *tume* (empty) for pour out. "The steed is not seen in our fields:" "Cha'n fhaicear an *steud-each*' san t-sliabh." Id. "Like a steed in his strength; Mar *steud-each* gun srian," (Id. 150.) literally a *steed*, horse. "I tore the mail from her shoulders; Reub me sios a *mhail*' o' gualainn." "Let the mail pour its lightning from every side. The battle gathers like a *storm*. Gach máile thall mar theine speur Mar *stoirm*, tha' n comhrag," (combat.) And the word *mail*, which in contradistinction to plate armour, is derived, in French and English, from the *macala retis*, or the meshes of the reticulated, or ring armour of the middle ages, was familiarly employed by Ossian, while the thing it signified was still unknown. "Dreadful as the *storm* of thine ocean; Mar *stoirm* mhor air agaidh Cuain." ii. 240. "Dost thou speak to the weak in arms. Am bheil do ghuth ri taibhs nan arm." i. 168. "These are the arms of the chiefs of old; Bhuin na h-*airm* do sheoid, tha fuar." i. 132. "Then give me those arms that gleam, Cuirear *airm* sholuis am laimh." Id. 138. The *feast* of shells, of kings, &c. is uniformly rendered *Cuirm* nan slighe, n'an righ, &c., from the Celtick word *Cuirme*, ale or beer, a word adopted in Greek *κρημν*, and in Latin *Curmen* by Dioscorides and Ulpian, to express the wheat, and barley-wine of the Iberians and Britons. But the word *cuirme* is employed throughout the poems, in its secondary derivatory signification of a feast or banquet, though unknown to Ossian, and never once used, in its primary sense of ale or beer.

VIII. 1. Macpherson himself has in fact, from the very beginning, avowed the deceit. The supposed translation was undertaken with real, or affected reluctance; and in his letters to a confidential friend⁶³, his great objection to the publication of the Fragments, was “that his highland pride was alarmed at *appearing to the world only as translator.*” Such an idea could have occurred only to a person conscious that the poems were his own; not to a genuine translator, like Pope and Dryden; but to one unwilling to forfeit, by a pretended translation, all claim to his own productions, or to the conscious merit of an original poet. The same idea predominates in every subsequent edition of Ossian. In the preface to the first edition of Fingal, he informs the reader that “poetry, like virtue, receives its reward *after death.* The fame which men pursued, in vain, when living, is often bestowed upon them when they are not sensible of it. This neglect of *living authors*, is not altogether to be attributed to that reluctance which men shew in *praising and rewarding genius.* It often happens, that the man *who writes*, differs greatly from the *same man* in common life. His foibles, however, are obliterated by death, and his better part, *his writings*, remain: his character is formed from them, and he that was *no extraordinary man* in his own time, becomes the *wonder of succeeding ages.* From this source proceeds our veneration for the dead. Their virtues remain, but the vices, which were once blended with their virtues, have died with themselves. *This consideration, might induce a man, diffident of his abilities, to ascribe his own compo-*

The deceit
avowed by
Macpher-
son.

These are sufficient specimens of the Earse language, in which Ossian composed his poems, in the third and fourth century.

⁶³ Mr. George Lawrie, late minister of Loudon, whose letter on the subject is now in my possession.

“ *sitions to a person, whose remote antiquity, and whose*
 “ *situation, when alive, might well answer for faults*
 “ *which would be inexcusable in a writer of this age.* An
 “ ingenious gentleman made this observation,—but
 “ when he had read the epic poem, his sentiments were
 “ changed.—I am persuaded the public will be as
 “ thoroughly convinced when they shall see the poems;
 “ and that some will think, notwithstanding the dis-
 “ advantages with which the works *ascribed to Ossian*
 “ appear, it would be a *very uncommon instance of self-*
 “ *denial in me to disown them,* were they really of my
 “ composition.” The extraordinary self-denial of which
 he was conscious, was the last proof which a genuine
 translation could have suggested. But the strange de-
 duction, that the neglect of living authors, and the fame
 and veneration acquired by the dead, might induce a
 person diffident of his abilities, to ascribe his own com-
 positions to one whose remote antiquity, and whose
 situation while alive, might exempt the work from the
 severe criticism of the present generation, removes all
 doubt concerning his real meaning, that the poems
 ascribed to Ossian were altogether his own composi-
 tions, of which he was unwilling to relinquish the
 merit, though unable openly to avow the deceit.

This preface was judiciously withdrawn from the sub-
 sequent editions; but he concludes a dissertation on the
 Era, or antiquity of Ossian, with the affected modesty
 of a young translator doubtful of success: “ That his
 “ translation is literal; that the translator, as he claims
 “ no merit from his version, wishes that the imperfect
 “ semblance he draws, may not prejudice the world
 “ against an original which contains what is beautiful
 “ in simplicity, or grand in the sublime ⁶⁴.” Not satis-

⁶⁴ Fingal, 1st. edit. p. 16.

fied with a doubtful translation, a man of letters, possessed of an original manuscript, comments and dwells upon it; communicates it with rapture to his friends; conveys it in a faithful edition to the world; deposits it in some public library for the inspection of the curious, and finally bequeaths it to some public institution. But Macpherson informs us, in an advertisement prefixed to Fingal, "That he was advised by some *men of genius*, "his friends, to print the originals by subscription, "as a better way to satisfy the public concerning their "authenticity, than to deposit the manuscript *copies* in "a public library; but as no subscribers appeared, he "takes it for the judgment of the public," (a strange conclusion,) "that neither the one nor the other was "necessary. However, he assures the public of a design to print the originals, as soon as the translator "shall have time to *transcribe them* for the press; and "if this publication shall not take place, *copies* will "then be deposited in one of the public libraries, to "prevent so ancient a monument of genius from being "lost." That he was then preparing, and ready to publish an Earse version, had it proved as profitable as the English original, I have no doubt. In the Dissertation on the Poems of Ossian, prefixed to the Temora, adverting to the insinuations made, and to the doubts entertained, respecting their authenticity, "To "me," he says, "they give no concern, as *I have it "always in my power* to remove them⁶⁵." From this self-denying power to produce the originals, we must conclude that the Earse version, now to be imposed on the public, was then executed. Ten years afterwards, when the reputation of Ossian, and the foundations of his own fortune were established, Macpherson, in an

⁶⁵ Ossian's Poems, ii. 259—61, edit. 1773.

in his Dis-
sertation.

improved edition of the poems, assumes a higher tone. At the same time that he asserts their authenticity, he insinuates his claim to the whole merit or infamy of the imposture, the motive of which he, in the same dissertation, condescends to explain. "Those who alone are
"capable of transferring," (not translating) "ancient
"poetry into a modern language, might be better em-
"ployed in giving *originals of their own*, were it not
"for that wretched envy and meanness which affects
"to despise *contemporary genius*. My first publica-
"tion was merely accidental. Had I then met with
"less approbation, my after pursuits would have been
"more profitable. Whether the suspicions concerning
"the authenticity of the poems are suggested by pre-
"judice or malice, I neither know nor care. Those
"who have doubted my veracity, have paid a compli-
"ment to my genius, and were even the allegation true,
"my self-denial might have atoned for my fault. I as-
"sure my antagonists, that I should not translate what
"I could not imitate; but an age that produces few
"marks of genius, ought to be sparing of admiration;
"and unless genius were in fashion, Homer himself
"might have written in vain. Were my aim to gain
"the *many*, I would write a madrigal sooner than an
"heroick poem⁶⁶." Here his motives are distinctly ex-
plained. The miscarriage of his first Epic, the High-
lander, was secretly ascribed to the envy and meanness
which affect to despise contemporary genius. The
encouragement given to his first avowed production,
the Fragments, induced him to persist in the imposi-
tion, which is carefully extenuated, and faintly denied.
Whether the suspicions concerning the authenticity of
the poems were the result of prejudice or of malice,

⁶⁶ Idem.

he declares with indifference, *nec scio nec scire cupio*; and he intimates in plain terms, that the translator was at least equal in genius to his supposed original. Instead of vindicating the authenticity of his own, he enters into an angry examination of the Irish poems, *which were all in his hands*; and which, allowing for his habitual fiction, are the identical, and indeed the only originals that Hill and the Bishop of Meath discovered, or the Perth editors of the Gaelic Poems could procure in the highlands. For the authenticity of the originals, he discovers a supine indifference or contempt. But his jealousy of the Irish pretensions to Ossian, and his parental solicitude for the poems, which he observes with truth, "cannot well belong to Ireland and to me at once"⁶⁷, can be compared to nothing else than the resentment of a man who receives with visible complacency, an intimation that he had provided a son and heir for his deceased friend; but is quite enraged, and indignant when another claims a share in the supposititious birth.

2. But the preface, which is always last written, avows the deception in the most unequivocal terms. "Without increasing his genius, the author may have improved his language, in the eleven years that the poems have been in the hands of the public. Errors in diction might have been committed at twenty-four, which the experience of a riper age may remove, and some *exuberances in imagery* may be restrained with advantage, by a degree of judgment acquired in the progress of time.—In a convenient indifference for a literary reputation, the *author* hears praise without being elevated, and ribaldry without being depressed. —The taste which defines genius by the points of the compass, however ludicrous in itself, is *often a se-*

⁶⁷ Ossian's Poems, ii. 259—61. edit. 1773.

“ *rious matter in the sale of a work.* When rivers de-
“ fine the limits of abilities, as well as of countries, a
“ writer may measure his success by the latitude under
“ which he was born. It was to avoid a part of this
“ inconvenience, that the author is said by some, who
“ speak without any authority, to have ascribed his own
“ productions to another name. If this was the case,
“ he was but young in the art of deception, as the trans-
“ lator, when he placed his author in antiquity, should
“ have been born on this side the Tweed.—But the
“ truth is, that to judge aright requires almost as much
“ genius as to write well; and good critics are almost
“ as rare as great poets. Though two hundred thou-
“ sand Romans stood up when Virgil came into the
“ theatre, Varius only could correct the *Æneid*.—The
“ novelty of cadence, in what is called a prose version,
“ though not destitute of harmony, will not, to com-
“ mon readers, supply the absence of the frequent re-
“ turns of rhyme. This was the opinion of the *writer*
“ himself, whose first intention was to publish in
“ verse; and as the making of poetry may be learned
“ by industry, he had served his apprenticeship, *though*
“ *in secret*, to the muses.” As a proof that prose was
adopted not from necessity but choice, he proceeds to
the most impudent fiction of the whole; the Maid of
Lulan, a poem lost in the original Norse, but preserved
by tradition in an Earse translation, and when *trans-*
ferred into English, inserted in his preface both in prose
and in verse. “ *The writer*,” he concludes, “ has now
“ resigned the poems to their fate:” of the foreign
versions, he observes, that “ genuine poetry, like gold,
“ loses little when properly transfused;” and with an
implied reference to himself, that “ the translator who
“ *cannot equal his original*, is capable of expressing its
“ beauties.”

Here then, if there is a meaning in words, Macpher-
 son vindicates and appropriates the poems expressly to
 himself. He intimates almost in direct terms, that he,
 the author, who without increasing his genius, has, in
 the space of eleven years, improved his language, and
 restrained the exuberance of his imagery; the writer,
 equally qualified to excel in prose and verse; the sup-
 posed translator, who alone, like Varius, can equal his
 original; to avoid the invidious opposition of national
 prejudices, (a serious consideration in the sale of a
 work,) has ascribed his poems to a remote antiquity,
 and to another name. The applause of reviewers was
 re-echoed by Blair and Kaims, whose injudicious, yet
 ingenious criticisms had placed the Celtic bard on a
 level with Milton, Virgil, and with Homer himself.
 The laborious Henry, the fantastical Whitaker, adopt-
 ed Ossian as genuine history; and Macpherson, exult-
 ing in their applause, and in his own success, entered
 the preceding caveat, as a guarded, yet solemn protes-
 tation to the world, lest the poems should descend to
 posterity, while the real author was defrauded of his
 fame. It was still necessary not to disabuse his coun-
 trymen, nor by a more explicit declaration, to disap-
 point their credulous hopes of an epic poem in Earse.
 His dispute with Johnson, and the scurrilous contro-
 versy between Shaw and Clark, taught him that a mo-
 ral character should still be sustained; and he conti-
 nued to fluctuate till his death, between the care of his
 reputation, as a man of veracity, and his pretensions to
 the merit of an original poet, which he was desirous
 to assume. A subscription of a thousand pounds, from
 his countrymen in the East Indies, which he had re-
 tained in his own hands while alive, was bequeathed
 to his friends, to publish the Earse version which he

Claims the
 poems as
 his own.

had formerly prepared. With the same hesitation between the adverse characters of translator and author, he provided a niche for himself among the English poets, after his decease, and if not the first translator, was certainly the first poet from Badenoch, whose remains were transported to Westminster Abbey.

His works
estimated.

3. I know not by what arguments it is possible to transfer to Ossian, or to the third century, the poems which Macpherson has produced and uniformly claimed as his own. It is not sufficient to affirm that the translator has suppressed the originals, in order to appropriate the poems to himself; for no motive could have induced him to destroy the original MSS. when he left an Earse version to be published, unless these were merely the Irish ballads, the preservation of which would have exposed the whole deceit. The mediocrity of his other productions is not sufficient; for the style of Ossian may convince the world, that he must creep upon the earth unless he soars sublime. It discovers bold experiments in language, rich sentimental description, if sometimes pathetic, more frequently turgid than sublime; but contains no accurate delineation of character, no observations on humane nature, no research into human actions, no artful transitions, nor talents for narration or plot; nothing in fact, either chaste or sober, that could be transferred with advantage to the historical page. In Dow's History of Indostan, in which Gibbon justly suspected that the style of Ferishda was improved by that of Ossian, he indulged the epic extravagance of his genius uncontrolled. Even his Introduction to the History of Britain, is grossly embellished with a Celtic fable, of a bard who visited the fortunate islands for a few days, and discovered that two centuries had elapsed on his re-

turn⁶⁸. His History of Britain is a dull and hasty chronological abstract from Ralph, and from the State Papers collected by Carte and himself. But the plot and incidents of Ossian, its tumid Preface and Dissertations, demonstrate that, however capable of improving upon a few facts, he was unqualified for the attainment, or insensible to the value, of a judicious arrangement, solid argument, or profound investigation. When we consider Ossian alone, or the temptation to emerge from an obscure indigence, the acknowledgment which he has made, might atone for a deception so grateful to his countrymen, had he not bequeathed such spurious originals as we have examined, to be published by his friends; one of whom I know to be a man of worth and letters, though a dupe to the imposture, as I was once myself. Instead of being precluded, at a maturer age, from the cultivation of poetry, he might have acquired a more durable and legitimate reputation, had he trusted, like Thomson in the same obscure situation, to the native force of his own genius; nor availed himself of the national credulity by an imposture not so difficult as Psalmanazar's though more successful. But when his impure hands are imposed upon history, the misquotations and fictions detected in his Introduction to the History of Britain⁶⁹, and his cold malignity towards the most illustrious characters, should teach us to re-

⁶⁸ P. 181. Gibbon's Hist. x. 343. 8vo. edit.

⁶⁹ Genuine Hist. of the Britons asserted, 297. Whitaker's politeness to a man whom he had convicted of "such a gross perversion even of his own quotations, such plain and manifest corruptions even of his own authorities, such erasings of records, such falsifications of histories," forms a signal contrast to his scurrilous abuse of the late Dr. Robertson, whom, from a minute examination of the most disputed passages in his History of Scotland, I cannot hesitate to pronounce one of the most faithful of historians.

ceive his Original Papers with extreme distrust; and we must regret that the State Papers of the Stuarts and of William, by some strange fatality, were reserved for the translator of Ossian and Sir John Dalrymple.

Test of the
authen-
ticity of
Ossian.

4. After all, these arguments are easily answered, but not by abuse. A single manuscript is worth a thousand arguments. If a single poem of Ossian's in manuscript, such as translated by Macpherson, of a decent length, and the MS. indisputably of an older date than the present century, be produced and lodged in a public library, I shall return among the first to our national creed. But popular arguments are no answer to pointed objections or historical facts; much less will abuse suffice to restore the lost authenticity of Ossian's Poems. The most bigotted must acknowledge, that the refined poetry which they admire so much, was more likely to be produced by a cultivated genius of the present, than by an illiterate bard of the third century; and the reputed countrymen of Ossian may rest satisfied with this consolation; that the highlands of Scotland have given an epic poet, of no mean estimation, to modern times. When the merit of original invention is deducted, there still remains a distinguished honour that deserves to be explained. The wild and often inflated imagery and diction, and the sentimental extravagance of the poems of Ossian, were first introduced by imitation into German literature, and of late years have been reflected back upon English poetry, with such peculiar effect, that the father of Ossian may be truly affirmed to have communicated a different character, and to have imparted a more romantic invention to our modern bards. How far their productions will endure the test of time, has not yet been ascertained; but as the controversy is now finally de-

terminated, and the historical truth has been fully established, I cannot hesitate to acknowledge the superior merit of those poems that have given a new direction to the taste and compositions of the present age.

Above ten years have elapsed, since this Dissertation was first published; but not a single MS. of the Earse original has ever been produced. My arguments, however, have received additional confirmation from the discovery of two letters from Hume to Blair, written in the interval between the first and second editions of Blair's Dissertation. The testimonies published in Blair's Appendix to the second edition, were collected in consequence of these letters, but the reader will observe, that Blair did not comply with the admonitions of his friend; "that it were suitable to his candour, and most satisfactory also to the reader, to *publish all the answers, to all the letters he should write*, even though some of the answers should make somewhat against his own opinion in this affair." Instead of printing the testimonies entire as he received them, he published an imperfect abstract, in which the evidence was unavoidably corrected and improved; softened when extravagant, and tinged throughout with his own prejudices, and preconceived opinions. From the perusal of the original testimonies, which relate in fact to the Irish ballads, I do not hesitate to affirm, that had they been published entire, they would have appeared as little satisfactory to the world, as they did to Hume, when he informed Gibbon, "that any positive evidence on the subject, ought never to be regarded." But the reader perhaps will be more gratified with the perusal of Hume's letters to Blair,

and of a letter from Warburton, than with any arguments of mine upon the subject.

TO THE REV. DR. BLAIR, &c.

DEAR SIR,

I Live in a place where I have the pleasure of frequently hearing justice done to your Dissertation; but never heard it mentioned in a company where some one person or other did not express his doubts with regard to the authenticity of the Poems, which are its subject; and I often hear them totally rejected with disdain and indignation, as a palpable and most impudent forgery. This opinion has indeed become very prevalent among the men of letters in London, and I can foresee, that in a few years the poems, if they continue to stand on their present footing, will be thrown aside, and will fall into final oblivion. It is in vain to say, that their beauty will support them, independent of their authenticity: No: that beauty is not so much to the general taste as to ensure you of this event; and if people be once disgusted with the idea of a forgery, they are thence apt to entertain a more disadvantageous notion of the excellency of the production itself. The absurd pride and caprice of Macpherson himself, who scorns, as he pretends, to satisfy any body, that doubts his veracity, has tended much to confirm this general scepticism: and I must own, for my own part, that, though I have had many particular reasons to believe these poems genuine, more than it is possible for any Englishman of letters to have, yet I am not entirely without my scruples on that head. You think that the internal proofs in favour of the poems are very convincing; so they are; but there are also internal reasons against them, particularly from the

manners, notwithstanding all the art, with which you have endeavoured to throw a varnish on that circumstance: and the preservation of such long, and such connected poems by oral tradition alone, during a course of fourteen centuries, is so much out of the ordinary course of human affairs, that it requires the strongest reasons to make us believe it. My present purpose therefore is, to apply to you in the name of all the men of letters of this, and I may say of all other centuries, to establish this capital point, and to give us proof that these poems are, I do not say so ancient as the age of Severus, but that they were not forged within these five years by James Macpherson. These proofs must not be arguments, but testimonies. People's ears are fortified against the former; the latter may yet find their way, before the poems are, consigned to total oblivion. Now the testimonies may, in my opinion, be of two kinds. Macpherson pretends that there is an ancient manuscript of part of Fingal in the family I think, of Clanronald. Get that fact ascertained by more than one person of credit; let these persons be acquainted with the Gaelic; let them compare the original and the translation; and let them testify the fidelity of the latter.

But the chief point in which it will be necessary for you to exert yourself, will be to get positive testimony from many different hands, that such poems are vulgarly recited in the Highlands, and have there been long the entertainment of the people. This testimony must be as particular as it is positive: it will not be sufficient, that a highland gentleman or clergyman say or write to you that he has heard such poems: nobody questions, that there are traditional poems in that part of the country where the names of Ossian and Fingal,

and Oscar and Gaul, are mentioned in every stanza. The only doubt is whether these poems have any farther resemblance to the poems published by Macpherson. I was told by Burke, a very ingenious Irish gentleman, the author of a tract on the Sublime and Beautiful, that on the first publication of Macpherson's book, all the Irish cried out, *we know all these poems—we have always heard them from our infancy*. But when he asked more particular questions, he could never learn, that any one had ever heard, or could repeat the original of any one paragraph of the pretended translation. This generality then, must be carefully guarded against, as being of no authority.

Your connexions among your brethren of the clergy, may here be of great use to you. You may easily learn the names of all ministers of that country, who understand the language of it. You may write to them, expressing the doubts that have arisen, and desiring them to send for such of the bards as remain, and make them rehearse their ancient poems. Let the clergymen have the translation in their hands, and let them write back to you, and inform you, that they heard such a one (naming him) living in such a place, rehearse the original of such a passage, from such a page to such a page of the English translation, which appeared exact and faithful. If you give to the public a sufficient number of such testimonies, you may prevail. But I venture to foretell to you, that nothing less will serve the purpose; nothing less will so much as command the attention of the public.

Becket tells me, that he is to give us a new edition of your Dissertation, accompanied with some remarks on Temora: here is a favourable opportunity for you to execute this purpose. You have a just and laudable

zeal for the credit of these poems: they are, if genuine, one of the greatest curiosities in all respects, that ever was discovered in the commonwealth of letters; and the child is, in a manner, become your's by adoption, as Macpherson has totally abandoned all care of it. These motives call upon you to exert yourself; and I think it were suitable to your candour, and most satisfactory also to the reader, to publish all the answers to all the letters you write, even though some of these answers should make somewhat against your own opinion in this affair. We shall always be the more assured that no arguments are strained beyond their proper force, and no contrary arguments suppressed, where such an entire communication is made to us. Becket joins me heartily in this application, and he owns to me, that the believers in the authenticity of these poems diminish every day among the men of sense and reflection. Nothing less than what I propose, can throw the balance on the other side. I depart from hence in about three weeks, and should be glad to hear your resolution before that time.

This journey to Paris is likely to contribute much to my entertainment, and will certainly tend much to improve my fortune: so that I have no reason to repent, that I have allowed myself to be dragged from my retreat. I shall henceforth converse with authors, but shall not probably for some time have much leisure to peruse them: which is not perhaps the way of knowing them most to their advantage. I carried only four books along with me; a Virgil, a Horace, a Tasso, and a Tacitus: I could have wished also to carry my Homer, but I found him too bulky. I own that in common decency, I ought to have left my *Horace* behind me, and that I ought to be ashamed to look him in the face.

For I am sensible that at my years, no temptation would have seduced *him* from his retreat; nor would he ever have been induced to enter so late into the path of ambition. But I deny that I enter into the path of ambition: I only walk into the green fields of amusement, and I affirm, that external amusement becomes more and more necessary as one advances in years, and can find less supplies from his own passions or imagination. I am,

Dear Sir,

Your's most sincerely,

Lisle Street, Leicester Fields,

DAVID HUME.

12 September, 1763.

MY DEAR SIR,

I Am very glad you have undertaken the task which I used the freedom to recommend to you. Nothing less than what you propose will serve the purpose. You need expect no assistance from Macpherson, who flew into a passion when I told him of the letter I had wrote to you. But you must not mind so strange and heteroclite a mortal, than whom I have scarce ever known a man more perverse and unamiable. He will probably depart for Florida with governor Johnstone, and I would advise him to travel among the Chickisaws or Cherokees, in order to tame him and civilize him.

I should be much pleased to hear of the success of your labours. Your method of directing to me is under cover to the Earl of Hertford, Northumberland House, London; any letters that come to me under that direction, will be sent over to me at Paris.

I beg my compliments to Robertson and Jardine—I am very sorry to hear of the state of Fergusson's health

—John Hume went to the country yesterday with Lord Bute.—I was introduced the other day to that noble lord, at his desire.—I believe him a very good man, a better man than a politician.

Since I wrote the above, I have been in company with Mrs. Montague, a lady of great distinction in this place, and a zealous partisan of Ossian. I told her of your intention, and even used the freedom to read your letter to her. She was extremely pleased with your project; and the rather as the Duc de Nivernois, she said, had talked to her much on that subject last winter, and desired, if possible, to get collected some proofs of the authenticity of these poems, which he proposed to lay before the Academie des Belles Lettres at Paris.—You see then, that you are upon a great stage in this inquiry, and that many people have their eyes upon you. This is a new motive for rendering your proofs as complete as possible. I cannot conceive any objection, which a man, even of the gravest character, could have to your publication of his letters, which will only attest a plain fact, known to him. Such scruples, if they occur, you must endeavour to remove. For on this trial of your's will the judgment of the public finally depend.

Lord Bathe, who was in the company, agreed with me, that such documents of authenticity are entirely necessary and indispensable.

Please to write to me as soon as you make any advances, that I may have something to say on the subject to the literati of Paris. I beg my compliments to all those who may bear that character at Edinburgh. I cannot but look upon them as my friends.

I am, your's sincerely,

6th October, 1763.

DAVID HUME.

Extract of a Letter from Bishop Warburton to Mr. Mason. Dated Prior Park, Jan. 12, 1762.

I read Fingal with vast pleasure, but amidst my enjoyment of it, comes a letter from our critic, with such convincing arguments of the forgery, that the visionary scene slips from me, as the pleasing dream of another life did from Bolingbroke.

On the other hand, several fragments in these poems have been heard, by living witnesses, sung to the harp both in the Highlands and in Ireland. My solution of the difficulty is this, **that** on these, and from these fragments, the forgery **has** been erected.

You may judge of its force, when he says, he builds the least on the unsatisfactory account the editor gives of his fairly coming by this treasure, both in his preface, and in conversation with some of his friends. You will say it is a work infinitely above one of those *tame cheaters*, we call a sophist. I do not know how it is, but mimicry is a species of poetic imitation so different from the true, that we have seen excellent copies in painting from originals of great masters, (by those) whose own designs were all sign post daubings: the most celebrated mimics on the stage, as Eastcourt and Foot, were the most miserable actors: and, to come a little nearer, the book written by Burke against Civil Society, under the name and character of Bolingbroke, is far superior to any other of his compositions.

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THE END.

Laing, Malcolm

The history of Scotland from the union of the crowns on the accession of James VI. to the throne of England, to the union of the kingdoms in the reign of queen Anne ; With a preliminary dissertation on the participation of Mary, Queen of Scots, in the murder of Darnley ; in four volumes
Bd.: 4

London 1819

Brit. 323 g-4

urn:nbn:de:bvb:12-bsb10280545-1